SUPREME COURT OF THE UNITED STATES.

No. 223.

THE UNITED STATES, APPELLANTS,

vs.

THE SCHOONER DIANA AND CARGO.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA.

INDEX.

	Original.	Print.
Libel	1	1
Order for process	3	2
Mem. of attachment and monition	3	2
Claim of master	5	2
Hearing	7	3
Claim of Idela Cabada	8	4
Deposition of Pedro Jaureguiberry	9	5
DEPOSITIONS TAKEN IN PREPARATIO OF.		
Deposition of Philip Brisio	19	10
Deposition of Pedro Rodriques	27	14
Deposition of Leonardo Sauches	34	18
Papers of schooner Diana	41	21
Extracts from log book	69	39
Affidavits under order allowing further proof	88	55
Affidavit of Thomas Lumley	88	55
Affidavit of Pedro Jaureguiberry	89	55
Affidavit of Felipe Brisio	92	57
Hearing on further proof	93	57
Final decree	93	57
Notice of appeal	94	58
AFFIDAVITS AND DEPOSITIONS TAKEN UNDER ORDER OF REFERENCE TO COMMISSIONERS IN MATTER OF DAMAGE.		
Affidavit of Pedro Jaureguiberry	95	58
Deposition of Arthur H. Atkinson	97	59
Deposition of E. C. Bowman	99	60

	Original.	Print.
Deposition of Charles W. Samson	103	61
Affidavit of Pedro Jaureguiberry	106	63
Report of commissioner	107	63
Hearing on report of commissioner	109	64
Decree in matter of damage	109	64
Appeal	111	65
Clerk's certificate	113	67

1 UNITED STATES OF AMERICA.

District court of the United States, southern district of Florida, in admiralty.

No. 93.

THE UNITED STATES
vs.
The Mexican SCHOONER DIANA AND CARGO, Pedro Jaurequiberry and Idela Cabada, claimants. } Prize.

Be it remembered, that on the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixty-two, Thomas J. Boynton, esq., attorney of the United States for the southern district of Florida, filed in the office of the clerk of said court his libel of information against the ship or vessel called the Diana, her tackle, apparel, and furniture, and her cargo, in a cause of prize, in the words and figures following, to wit:

District court of the United States, southern district of Florida, in admiralty.

THE UNITED STATES
vs.
THE SCHOONER DIANA AND CARGO.

To the Honorable William Marvin, judge of said court:

The libel of Thomas J. Boynton, attorney of the United States for the southern district of Florida, who libels for the United States, and for all parties in interest, against the ship or vessel called the Diana, her tackle, apparel, furniture, and cargo, in a cause of prize, alleges:

That, pursuant to instructions for that purpose from the President of the United States, Charles W. Samson, of the United States
2 navy, in and with the United States commissioned ships-of-war, the Kittatinny and Henry Janes, their officers and crew, did, on the twenty-sixth day of November, in the year of our Lord one thousand eight hundred and sixty-two, subdue, seize, and capture on the high seas, as prize of war, the said ship or vessel called the Diana, of about the burthen of fifty tons, with a valuable cargo on board of the same, and that said vessel and cargo have been brought into the port and harbor of Key West, in the State of Florida, where the same now are, within the jurisdiction of this honorable court, and that the same are lawful prize of war, and subject to condemnation and forfeiture as such.

Wherefore, the said attorney prays that the usual process of attachment in prize causes may issue against said vessel, her tackle, apparel, furniture, and cargo; that monition may issue, citing all parties having, or claiming any interest or property in said vessel or cargo, to appear and claim the same, that the nature, amount, and value may be determined; that due and proper proofs may be taken

and heard; and that on all due proceedings being had, the said vessel, the Diana, together with her tackle, apparel, furniture, and cargo, may, on the final hearing of this cause, by the definite sentence of this court, be condemned, forfeited, and sold, and the proceeds distributed according to law.

(Signed) THOMAS J. BOYNTON,
U. S. Att'y, S. D. of Florida.

3. Whereupon, the following order was made and entered in this cause, to wit:

AT CHAMBERS, *December 17th*, 1862.

Ordered, let monition and attachment issue, returnable January 5th, 1863.

Whereupon, attachment was issued to the marshal of said district, commanding him forthwith to attach, seize, and take into his custody the said ship or vessel called the Diana, her tackle, apparel, furniture, and the goods, wares, and merchandise, comprising the cargo of said vessel, in the port of Key West, or wheresoever the same may be found within his precincts; and the same to keep until the further order of this court.

Which attachment was afterwards, by him, returned duly executed, and, with the return thereon endorsed, is on file in the clerk's office.

Also, monition was issued to the said marshal, commanding him forthwith to cite and admonish all persons whomsoever, having, or pretending to have, any right, title, claim, or interest in, or to the said vessel, the Diana, her tackle, apparel, furniture, or cargo, to appear at an admiralty session of said court, to be held at the court rooms of said court, at Key West, in said district, on Monday, the fifth day of January, A. D. 1863, at ten o'clock in the forenoon of that day, to show cause, if any they have, why condemnation and forfeiture should not be decreed, according to the prayer of said libellant.

Which monition was afterwards, by him, returned, duly executed, and, with the return thereon endorsed, is on file in the clerk's office.

4.

5. Afterwards, to wit, on the twenty-sixth day of December, A. D. 1862, Pedro Jaurequiberry, master of said vessel, the Diana, appears by his proctor, W. C. Maloney, esq., and files his claim to the said vessel, the Diana, and her cargo, in the words and figures following, to wit:

THE UNITED STATES
vs.
The Mexican SCHOONER DIANA AND CARGO. } Prize.

And now comes Pedro Jaurequiberry, and says that he is the master of the said "schooner Diana," and, as such, is the lawful bailee of the said schooner Diana, her tackle, apparel, and furniture,

and of her cargo, and he claims the same for the respective owners thereof.

And he further says that John Cabada, of Campeachy, (Mexico,) is the true and bona fide owner of the said schooner, and that no other person is the owner thereof, as appears by the register of said schooner, and as he is informed and verily believes.

And he further says, that he is informed and believes that the cargo of said schooner is owned by Miguel Canno, a Spanish subject, residing at Campeachy, and that the same is consigned, by bills of lading, to be delivered to Senoro San Roman & Co., merchants, residing at Matamoras, which bills of lading, and the register of said schooner, he believes are now in the possession of said court.

He further says that the cargo of said schooner has sustained great damage, by reason of the unnecessary shifting of the same by the captors from the after to the forward part of said schooner, by which means the water in the hold of the vessel was prevented from running to the pump-well, and therefrom pumped out.

6 And he further charges, that the following articles have been taken from said vessel, subsequent to her capture, by the captors, and without his consent, to wit:

Two sacks rice; two sacks salt;
One kedge anchor; two hawsers;
One new gaff topsail; one box gin;
One box brandy; one box vermicelli;
Two boxes Medoc wine; one box French oil;
Thirty pounds coffee; two kegs paint;
Two gallons paint oil; 1 jar lard, 50 lbs.

the taking of which he prays may be enquired of by the court.

Wherefore, he prays that this honorable court will decree the restoration of said schooner Diana, and her cargo, to him as bailee, as aforesaid; and also that the captors may be decreed to answer said claimant for and on account of whom it may concern, in the sum of one thousand dollars, as well by reason of the taking of the before-named goods and damage to said cargo, as aforesaid, as for costs and damages for the unlawful detention and seizure of said schooner and cargo, and otherwise justice administer in the premises, &c.

P. JAUREQUIBERRY.
W. C. MALONEY,
Proctor.

Sworn to and subscribed this 26th day of December, 1862, before me.

GEORGE D. ALLEN,
Clerk.

7 Afterwards, to wit, on the nineteenth day of January, A. D. 1863, this cause came on to be heard before this court.

Present, the Honorable William Marvin, judge; Thomas J. Boynton, esq., attorney aforesaid, appearing on behalf of the United States, and W. C. Maloney, esq'r, proctor for the claimants on behalf of the said claimants, when the court proceeded to hear this

cause upon the allegations and pleadings, the depositions taken in preparatorio, and the papers, letters, and writings found on board said vessel, the schooner Diana.

The cause having been fully argued by the respective counsel, the premises were thereupon submitted to the court.

Afterwards, upon consideration thereof, on the twenty-seventh day of January, in the year aforesaid, the parties aforesaid being present, the following order was made in this cause, to wit:

THE UNITED STATES
vs.
THE MEXICAN SCHOONER DIANA AND CARGO. } Prize.

Ordered, that both parties be allowed to produce further proof in this cause, touching the extent and character of the distress in which the vessel was at the time of the capture, and of the means the master possessed to remove such distress; and that both parties have leave to produce further proof touching the allegation of embezzlement, or removal of any part of the cargo by the captors; that such further proof, in both cases, may be taken by the affidavit of the parties and other persons.

(Signed) WM. MARVIN,
Judge.

8 Afterwards, to wit, on the sixth day of February, A. D. 1863, Idela Cabada, owner of said vessel, the Diana, appears by his proctor, W. C. Maloney, esq'r, and files his claim to the said vessel, the Diana and her cargo, in the words and figures following, to wit:

THE UNITED STATES
vs.
THE SCHOONER DIANA AND CARGO. } Prize.

And now comes Idela Cabada, of Campeachy, Mexico, who now appears before this honorable court, in his proper person to claim the said vessel, and who being duly sworn, says that he is bona fide the sole owner of the said vessel. That he let the said vessel to Miguel Canno, of Campeachy, on freight on the fifth day of October, 1862, for a voyage to Matamoras, Mexico, in good faith. That no fraud or collusion, with the said Canno, or any other person, existed or does exist for the violation of any blockade established by the government of the United States. That he believes that the reason for the vessel being found so near to a blockaded port, is truly set forth in the deposition of the master and mate of said vessel, and that he has no reason for believing otherwise. Wherefore, he prays that the said vessel be restored to him, and such other and further relief granted as in equity he may be entitled to receive.

IDELA CABADA.

Subscribed and sworn before me this 6th day of February, 1863.

GEORGE D. ALLEN,
Clerk U. S. Dist. Court.

9 THE UNITED STATES
vs.
THE MEXICAN SCHOONER DIANA AND CARGO, Pedro Jaurequiberry and Idela Cabada, claimants. } Prize.

Depositions taken in preparatorio.

Deposition of Pedro Jaurequiberry, master, before Cornelius Curtis, prize commissioner at Key West, December 10, 1862.

1st interrogate. To the first interrogatory, the deponent answers that his name is Pedro Jaurequiberry; that he was born in France. That he has lived in Mexico for the last seven years, and that he now resides there. That he has no family there. That his daughter resides in New Orleans. That he is a citizen of the Mexican republic, and owes allegiance to that government. That he first came to this country in the year 1831, at the age of twenty-seven years. That he became a naturalized citizen of the United States of America. That New Orleans was his place of residence while a citizen of the United States, and that he married and lived there with his wife and family.

2d interrogate. To the second interrogatory, the deponent answers, that he was present at the capture of the vessel, concerning which he is now examined.

3d interrogate. To the third interrogatory, the deponent answers that such capture was made on the twenty-sixth day of November, in the year 1862, off Pass Cavallo, on the coast of Texas, and was brought into the port of Key West. That no reason was
10 given for the capture, except that the vessel was too near in shore for a legitimate trader.

4th interrogate. To the fourth interrogatory, the deponent answers, that said vessel sailed under Mexican colors. That she had no other colors on board.

5th interrogate. To the fifth interrogatory, the deponent answers, that no resistance was made at the time of the capture. That no guns were fired. That the capture was made by an armed boat of a three-masted schooner, a United States ship-of-war. That the captured vessel was a merchantman. That said captured vessel belonged to Juan Cabada. That one vessel, an English schooner, was in sight at the time of capture. That the vessel capturing, was a schooner-of-war, and of the force of six guns.

6th interrogate. To the sixth interrogatory, the deponent answers, that the first port said vessel would have entered, had she not been captured, would have been the nearest convenient port of entrance, and the second would have been Matamoros, and the third port of entrance would have been Campeachy.

7th interrogate. To the seventh interrogatory, the deponent answers, that the name of the vessel was the Diana, and that of her master was Pedro Jaurequiberry. That the owner Juan Cabada appointed him to the comand in Campeachy. That he has known the

vessel about one year, and that he took possession of her in Campeachy, in May, 1862. That she was delivered to him by Juan Cabada. That his fixed place of abode is Campeachy.

8th interrogate. To the eighth interrogatory, the deponent answers that the tonnage of said vessel was fifty-four tons. That seven persons comprised the vessel's company when captured,
11 and that eight persons were on board when taken. That the crew were Campechianos or Mexicans. That the crew all came on board at the same time at Campeachy, and were shipped by Mr. Cabada in November, 1862. That the terms of the shipping agreement were for the crew, eighteen dollars per month, and that said sum was final and absolute, and not conditional.

9th interrogate. To the ninth interrogatory, the deponent answers, that he belonged to said captured vessel's company at the time she was taken, and was master thereof. That he had at the time of capture, on board said vessel, twenty-two thousand cigars, of the value of about two hundred dollars, as his venture. That he knows not what other person had any interest in vessel or cargo on board belonging to the ship's company.

10th interrogate. To the tenth interrogatory, the deponent answers, that the name of the captured vessel was the Diana. That he has known her about one year. That he first saw her in Campeachy about one year ago. That he believes her to have been built in the United States. That he has never known her by any other name than that of the Diana.

11th interrogate. To the eleventh interrogatory, the deponent answers, that said vessel draws, when fully laden, six feet of water. That she drew, when taken, six feet of water.

12th interrogate. To the twelvth interrogatory, the deponent answers, that said vessel had a passport from the captain of the port at Campeachy. That said vessel sailed to Minititlan and back to Campeachy on her last voyage. That the voyage began and ended
12 at Campeacy. That her cargo to Minititlan was soap and lard, and it was delivered there, and that she had no return cargo. That said vessel sailed from the port of Campeachy in November in the year 1862, previously to her capture.

13th interrogate. To the thirteenth interrogatory, the deponent answers, that said captured vessel had, on her first setting sail on her last voyage, soap and lard; and as cargo when she was taken, she had on board wine, salt, rice, cigars, rum, scacks for corn, nails, cordage, shoes, oil, cognac, and cloth. That the same was put on board in November in the year 1862. That he cannot tell the quantities of each sort.

14th interrogate. To the fourteenth interrogatory, the deponent answers, that the owner of said captured vessel, at the time she was taken, was Sinon Cabada. That the vessel's documents showed him to be the owner at that time. That the owner is a Spaniard by birth. That he resides with his wife and family in Campeachy, and has lived there many years. That they are subjects of Mexico. That the present owner has been in possession of said vessel

about one year. That he cannot say of whom the present owner purchased.

15th interrogate. To the fifteenth interrogatory, the deponent answers that he knows of no bill of sale being given to the owner of said captured vessel.

16th interrogate. To the sixteenth interrogatory, the deponent answers, that the lading found on board said captured vessel at the time of seiure, was first put on board in the port of Campeachy, in the month of November, in the year 1862. That Senor Dino de Cano was shipper and owner of said cargo, and that San Ramon was consignee thereof. That the owner and consignee aforesaid are Spaniards. That Senor Cano resided before in Spain, and the
13 cargo was to have been delivered in Matamoras for the risk and benefit of said Senor de Cano, who has all the interest of said vessel cargo, except the cigars belonging to himself as before written, and sundry casks of rum belonging to a passenger, Mr. Geo. Chase. That he is unable to specify the qualities, quantities, and particulars of said goods of lading of said captured vessel. That he believes that if said goods be restored and unladen at the destined port, they did, do, and will belong to the above described owners, and to none others.

17th interrogate. To the seventeenth interrogatory the deponent answers, that one bill of lading was signed in triplicate for the goods seized on board said vessel; that said bill of lading was not false or colorable, and that no other bills of lading were signed different in any respect from those which were found on board of the vessel at the time she was taken; that he believes the rate of freight was some five or seven hundred dollars for the carriage of said cargo.

18th interrogate. To the eighteenth interrogatory the deponent answers, that he has not in his possession, neither was there on board said vessel, at the time of the capture, any other bills of lading, invoices, letters, or other writings to prove his own interest, or the interest of any other person in the vessel, or in the goods concerning which he is now examined, except those delivered to the captors at the time of seizure, in whose possession he last saw them, and by whom he believes they were sent or brought to this district, and given over to the court therein. That said papers were those necessary for the navigation of the vessel, and for the disposition of freight and cargo.

19th interrogate. To the nineteenth interrogatory the deponent answers, that the latitude of said vessel at the time of ca p-
14 ture was 28° 23′ north, and longitude was 96° 15′ west, and the time was about meridian of the twenty-sixth day of November, in the year 1862, and it was near the port of Matagordu, off Pass Cabello, coast of Texas. That no charter party was made for the voyage of capture, and no agreement concerning said voyage, except to purchase such articles as might prove profitable by the master on owner's account.

20th interrogate. To the twentieth interrogatory the deponent answers, that the vessel's papers of navigation, and those relating to

the cargo necessarily, and some letters of commercial intercourse, were on board at the time of departure from the last clearing port, before she was taken as prize. That no papers or documents of any kind were concealed or destroyed by any person on board said vessel.

21st interrogate. To the 21st interrogatory, the deponent answers, that he knew the ports of the southern United States were under blockade by the naval forces thereof. That such information was obtained from various sources and at various times.

22nd interrogate. To the twenty-second interrogatory the deponent answers, that the port from which said vessel sailed was not under an order of blockade by the government of the United States, but the port to which said vessel was bound was under such order of blockade, at least such part of it as was under the jurisdiction of the United States. That knowledge and notice had been given of the nature of such blockade before sailing on the voyage of capture. That no conversation was had or held by any one, to his knowledge, of breaking or violating the blockade, or of running into any intermediate port, and thence breaking the blockade.

23d interrogate. To the twenty-third interrogatory the de-
15 ponent answers, that said vessel's register was not examined or endorsed by any officer of the United States before seizure.

24th interrogate. To the twenty-fourth interrogatory the deponent answers, that said vessel has never entered or sailed from a blockaded port, to his best knowledge or belief.

25th interrogate. To the twenty-fifth interrogatory the deponent answers, that said vessel has never been seized and condemned as a prize.

26th interrogate. To the twenty-sixth interrogatory the deponent answers, that he has sustained no loss by this capture, as he now can estimate. That no promise of indemnity or satisfaction was made him for capture or detention, neither has he received any indemnity or satisfaction.

27th interrogate. To the twenty-seventh interrogatory the deponent answers, that no part of the vessel or cargo is insured.

28th interrogate. To the twenty-eighth interrogatory the deponent answers, that on arrival at the destined port, and the cargo unladen, it still would be the property of the owners, who were to take the chance of the market for their goods.

29th interrogate. To the twenty-ninth interrogatory the deponent answers, that the cargo seized was mostly of the growth and manufacture of Campeachy, and was laden in Campeachy.

30th interrogate. To the 30th interrogatory the deponent answers,
The said cargo was laden in the roadstead of Campeachy, from
16 launches from the town, in the month of November, in the year 1862.

31st interrogate. To the thirty-first interrogatory the deponent answers, that there is not in any other place, vessel, or country, save and except in the books of the merchants in Campeachy, any writings or documents relating to said vessel or cargo; that said vessel has a

license from her own, the Mexican government, to proceed on her lawful business at sea, from port to port.

32nd interrogate. To the thirty-second interrogatory the deponent answers, that the papers of said vessel were taken from the vessel by the captors on the 26th day of November, in the year 1862, and carried away, and he believes they were brought into this district by said captors, and deposited with the court for this district.

33rd interrogate. To the thirty-third interrogatory the deponent answers, that bulk was broken only for the purpose of trimming ship, to bring her upon an even kell.

34th interrogate. To the thirty-fourth interrogatory the deponent answers, that one passenger was on board said vessel at the time of her capture. That his name was George Chase; that he believes said passenger was an Englishman; that he was a merchant; that he came on board at Campeachy, at the date of the vessel's sailing in November. That said passenger was going to Matamoras, but upon what business he cannot say. That said passenger was owner of the rum in casks which was on board at the time of capture. That said passenger resided in Matamoras.

35th interrogate. To the thirty-fifth interrogatory deponent answers, that all the writings, letters, papers, bills of lading, and invoices, which were found on board said captured vessel, were
17 true, and not false or colorable. That they were obtained and perfected at Campeachy. That said passenger had a passport from the chief of police for his passage to Matamoras on his business or pleasure.

36th interrogate. To the thirty-sixth interrogatory the deponent answers, that the armed boat of the capturing vessel was first seen by those on board the captured vessel, at about eleven o'clock a. m. of Wednesday, the 26th of November, 1862. That the captured vessel was steering, at that time, southwest, and had been so steering since eight o'clock, some three hours. That the latitude at that time was 28° 28′ north, and the longitude was 96° 10′ west. That the course of the vessel was not changed on the appearance of the armed boat. That the wind was north northeast at the time the boat of the capturing vessel was first seen, and continued so until the capturing boat boarded. That said vessel at all times, when the weather would permit, steered directly to the port to which she was destined by the ship's papers. That said vessel was steering wide of her course to her destined port, both before and at the time of capture, for the reason that her bobstay and forestay were carried away and broken, and, to save the mast and vessel, it became necessary to deviate from her direct course to her port of destination. That her course was altered about three days out from Campeachy, for the reason that the sea and wind was heavy and strong, and damage had resulted to the rigging of the vessel, causing danger to life and property. That for the twenty-four hours previous to the capture said ship was steering toward the coast of Texas, in hopes to make a harbor on beach, or something. That a
18 log-book was kept on board the captured vessel, and it was

written up to the 24 hours previously to the capture; that 24 hours being on the log-slate and not engrossed. That no United States vessel of war, except the capturing vessel, was seen during the voyage on which said vessel was taken.

37th interrogate. To the thirty-seventh interrogatory the deponent answers, that he cannot say by whom said vessel was sold; that he believes, should said vessel be restored, she would belong to Mr. Cabado and to no other.

38th interrogate. To the thirty-eighth interrogatory the deponent answers, that no guns were mounted on said vessel, and that no arms or ammunition were on board said vessel; that no naval or war-like stores were on board.

39th interrogate. To the thirty-ninth interrogatory the deponent answers, that the true destination of the vessel was Matamoras, and that the cargo was destined for Matamoras, and was to be disposed of there for trade and profit.

40th interrogate. To the fortieth interrogatory the deponent answers, that said vessel never sailed under convoy of a ship of war.

41st interrogate. To the forty-first interrogatory the deponent answers, that said vessel never entered a port of the confederate States.

42nd interrogate. To the forty-second interrogatory the deponent answers, that said vessel never sailed as a privateer or a letter-of-marque.

43rd interrogatory. To the forty-third interrogatory the deponent answers, that said vessel never acted or sailed in concert with
19 any armed vessel to destroy property of American citizens.

(Sd) P. JAUREGUIBERRY.

Deposition of Philip Brisio, before Cornelius Curtis, prize commissioner, at Key West, December the eleventh, 1862.

1st interrogate. To the first interrogatory the deponent answers, that his name is Philip Brisio; that he was born in Genoa; that he has lived the last four years in Campeachy, and that he resides now in Campeachy; that he is a citizen of Mexico, and owes allegiance to the Mexican government; that he is not a married man.

2d interrogate. To the second interrogatory the deponent answers, that he was present at the capture of the vessel concerning which he is now examined.

3d interrogate. To the third interrogatory the deponent answers, that said seizure was made on the twenty-sixth of November, in the year 1862, off Pass Cabello, on the coast of Texas; that said captured vessel was brought into the port of Key West; that said vessel had no letters or commission to authorize her to make prizes; that he does not know for why she was taken.

4th interrogate. To the fourth interrogarory the deponent answers, that said captured vessel sailed under Mexican colors; that she had no other colors on board.

5th interrogate. To the fifth interrogatory the deponent answers,
20 that no resistance was made at the time of capture; that no guns were fired; that the capture was made by the armed

boat of the Kittatinny; that two small schooners, inside of the Pass, were in sight at the time of the capture; that the captured vessel was a merchantman, and belonged to Juan Cabada; that the capturing vessel was an armed vessel of the United States, and carried four guns.

6th interrogate. To the sixth interrogatory the deponent answers, that said vesseel would have entered first, the port of Cavallo, had she not been taken; that the second port would have been Matamoras, and the third would have been Campeachy.

7th interrogate. To the seventh interrogatory the deponent answers, that the name of the vessel taken was the Diana, and that of her master was Pedro Jaureguiberry; that Juan Cabado appointed said master to the command, in Campeachy; that he has known the vessel some five months, and the master some three months; that he lives in Campeachy, was born in France, and is now a subject of Mexico.

8th interrogate. To the eighth interrogatory the deponent answers, that he cannot say how many tons said vessel actually is, but thinks some sixty tons is about her burthen; that seven men composed the vessel's company when taken, and that eight persons were then actually on board; that they were mostly Mexicans—foreigners; that they all shipped in Campeachy, in November, 1862, except himself and the captain, who had sailed in the vessel on her previous voyage; that they shipped in Campeachy, in November, 1862, at the owner's office; that they were shipped by Mr. Cabado, and were to receive eighteen dollars per month, which wages were all they were to receive as compensation for this voyage.

21 9th interrogate. To the ninth interrogatory the deponent answers, that he belonged to said vessel at the time of capture, and was acting as boatswain thereof; that he had some fifty dollars interest in the cargo of said vessel; that the master thereof had a share in the cargo, said share being a certain quantity of cigars, these portions of the cargo and interest therein being ventures allowed the mariners by the custom of the country.

10th interrogate. To the tenth interrogatory the deponent answers, that he has known the vessel some five months; that he first saw her in Campeachy, in the month of July, A. D. 1862; that her name was the "Diana", and that he has always known her by that name and no other; that she was American built.

11th interrogate. To the eleventh interrogatory the deponent answers, that said vessel draws, when loaded, six feet of water; that she drew the same when taken.

12th interrogate. To the twelfth interrogatory the deponent answers, that he cannot say that said vessel had a passport or sea-brief; that said vessel sailed on her last voyage to Minititlan, Mexico; that said voyage began and ended at Campeachy, Mexico; that her cargo was salt, soap, and lard which she delivered at Minitittlan, Mexico; and that her return cargo to Campeachy was ballast only; that said vessel sailed from Campeachy in the month of November, in the year 1862, as her last clearing port previously to her capture.

13th interrogate. To the thirteenth interrogatory the deponent answers, that said vessel had salt, soap, and lard on her set-
22 ting out on her last voyage, and, at the time she was taken, her cargo consisted of an assortment of goods taken in at Campeachy in the month of November, and in the year 1862; that the different species of cargo consists of salt, rice, rum, bags, rope, liquors, and starch.

14th interrogate. To the fourteenth interrogatory the deponent answers, thatJuan Cabado was the owner of the vessel at the time of seizure, as he was told and believes; that said Cabado is a Spaniard by birth; that he lives in Campeachy, with his wife and family; that he cannot say how long he has been in possession of the vessel, or of whom he purchased.

15th interrogate. To the fifteenth interrogatory the deponent answers, that he has no knowledge of any bill of sale relating to said vessel.

16th interrogate. To the sixteenth interrogatory the deponent answers, that the cargo found on board the Diana at the time of her capture was first put on board in Campeachy, in the month of November, in the year 1862; that he thinks Don Miguel Cano shipped said cargo and is owner thereof; that said Cano is a Spaniard; that he cannot say for whose risk or benefit said cargo was shipped or delivered; that the goods were to have been delivered at Matamoras; that he cannot tell the different quantities or qualities of the goods laden in said captured vessel, or to whom they would belong should they be restored and unladen at its destined port.

17th interrogate. To the seventeenth interrogatory the deponent answers, that he has no knowledge of any bill of lading being signed for said captured cargo.

18th interrogate. To the eighteenth interrogatory the depo-
23 nent answers, that he has not in his possession any letters or papers of said captured vessel to show the interest of himself or any one of the company as to the cargo of said captured vessel; that he saw the vessel's papers delivered to the captors on the day of capture, and he believes they were brought to the port of Key West, where they are now.

19th interrogate. To the nineteenth interrogatory the deponent answers, that he cannot state the degrees of latitude or longitude at the time of the capture of said vessel; that the capture was made about meridian of the twenty-sixth day of November, in the year 1862, off Pass Cavallo bar, on the coast of Texas; that he has no knowledge of a charter party or of any agreement for the earnings of said captured vessel.

20th interrogate. To the twentieth interrogatory the deponent answers, that he cannot say anything as to the papers of said vessel or cargo, as they do not come under his province; that he saw none of them burned or destroyed.

21st interrogate. To the twenty-first interrogatory the deponent answers, that he knew that the naval forces of the United States held the ports of the Southern States under blockade, and that he had such notice by the papers and by conversation with others.

22d interrogate. To the twenty-second interrogatory the deponent answers, that the port from which said captured vessel sailed was not under an order of blockade by the government of the United States, but that the port to which said vessel was endeavoring to make was so blockaded, and that the port to which she was
24 ultimately bound was not blockaded; that no public warning or notice had been given to said vessel by endorsement or writing on said vessel's papers before capture; that conversation was had on board as to running into any blockading port for the purpose of repairs to the bowsprit.

23d interrogate. To the twenty-third interrogatory the deponent answers, that no vessel's papers were examined by any United States officer before capture.

24th interrogate. To the twenty-fourth interrogatory the deponent answers, that he does not know that said captured vessel ever ran into or out of any blockaded port of the United States.

25th interrogate. To the twenty-fifth interrogatory the deponent answers, that said vessel has never, as he believes, been taken and condemned as prize.

26th interrogate. To the twenty-sixth interrogatory the deponent answers, that he has lost nothing by this capture; that he has not been paid or promised any indemnity for any loss which he may sustain by this capture.

27th interrogate. To the twenty-seventh interrogatory the deponent answers, that he believes said vessel and cargo to be not insured.

28th interrogate. To the twenty-eighth interrogatory the deponent answers, that he cannot say to whom said cargo would belong in case it had arrived and been unladen at its destined port.

29th interrogate. To the twenty-ninth interrogatory the de-
25 ponent answers, that the produce and growth of said cargo was mostly Mexican, and it was laden in Mexico.

30th interrogate. To the thirtieth intrerogatory the deponent answers, that said cargo was taken on board from lighters, while lying in the roadstead at Campeachy, in November, 1862.

31st interrogate. To the thirty-first interrogatory the deponent answers, that he cannot say what papers or writings may be elsewhere concerning this captured vessel or cargo; that said vessel must have had a license to navigation from the Mexican government.

32d interrogate. To the thirty-second interrogatory the deponent answers, that the papers of the vessel were delivered to the captors and carried away by them on the day of capture.

33d interrogate. To the thirty-third interrogatory the deponent answers, that bulk was not broken on the voyage of capture.

34th interrogate. To the thirty-fourth interrogatory the deponent answers, that one passenger was on board at the time of capture, whose name was George Chase, that he was an Englishman as he believes, and that he was a merchant or trader, that he came on board at Campeachy in November ult., that he was bound to Matamoros, that said passenger had several casks of aquadiente on board

said vessel as cargo, that he cannot say as to the residence of said passenger.

35th interrogate. To the thirty-fifth interrogatory the de-
26 ponent answers, that he believes the papers concerning said captured vessel and cargo were true, that the vessel was in the port of the place where said papers were obtained.

36th interrogate. To the thirty-six interrogatory the deponent answers, that the capturing vessel was first seen by those on board the captured vessel at about ten o'clock of the morning of the day of capture. That he cannot say what course was steered at the time the capturing vessel was first seen. That they were running along the coast for an entrance, and continued to do so until boarded by the armed boat of the captors; that he cannot state the latitude or longitude, but he thinks the captured vessel was only some three miles from the lighthouse on Pass Caballo point; that the wind was about north at the time the capturing vessel was first seen, and continued so until the capture; that the vessel was at all times kept on her direct course for Matamoros when the weather would permit; that said captured vessel was steering wide of her course for Matamoros before capture; that her course was altered on account of damage to the head gear of the vessel, in order to insure her safety when the wind increased or the sea was rough; that the previous twenty-four hours to the capture, the wind was westerly and strong, and that they were steering on the wind, a course about northeast; that a log book was kept on board by the captain, but he cannot say to what time it was written up previous to seizure; that no United States ship of war, except the capturing vessel, was seen on the voyage of capture.

37th interrogate. To the thirty-seventh interrogatory the
27 deponent answers, that he does not know of any sale or purchase of said vessel.

38th interrogate. To the thirty-eighth interrogatory the deponent answers, that no guns, arms or ammunition were on board said vessel.

39th interrogate. To the thirty-ninth interrogatory the deponent answers, that he believes the vessel was cleared, and was bound to Matamoros, Mexico, on a legitimate voyage.

40th interrogate. To the fortieth interrogatory the deponent answers, that said vessel, as he believes, never sailed under convoy.

41st interrogate. To the forty-first interrogatory the deponent answers, that said vessel, as he believes, never entered a confederate port.

42nd interrogate. To the forty-second interrogatory the deponent answers, that said vessel never sailed under a commission as privateer.

43rd interrogate. To the forty-third interrogatory the deponent answers, that said vessel never acted in concent with any armed vessel.

(S'd) FELIPE BRISIO.

Deposition of Pedro Rodrignes, before Cornelius Curts, prize commissioner at Key West, December twelvth, 1862:

1st interrogate. To the first interrogatory the deponent answers, that his name is Pedro Rodrigues; that he has lived in
28 Mexico for the last seven years and was born there; that he owes allegiance thereto.

2nd interrogate. To the second interrogatory the deponent answers, that he was present at the capture of the vessel concerning which he is now examined.

3rd interrogate. To the third interrogatory the deponent answers, that the seizure was made off the coast of Texas, and the vessel was carried into Key West, Florida; that the reason for the seizure was, that said vessel was out of her course.

4th interrogate. To the fourth interrogatory the deponent answers, that said vessel sailed under the Mexican colors, and had no other colors on board.

5th interrogate. To the fifth interrogatory the deponent answers, that no resistance was made at the time of capture, that no guns were fired, that the capture was made by the armed boat of the Kittatinny, U. S. gunboat; that the schooner was owned by Juan Cabada; that the capturing vessel was a ship of war, and of the force of four guns.

6th interrogate. To the sixth interrogatory the deponent answers, that said vessel would have first entered a port of Texas for repairs, and the next port would have been Matamoros; that Campeachy would have been the third, as he believes.

7th interrogate. To the seventh interrogatory the deponent answers, that the vessel's name was the Diana, and that of the master, was Pedro Jaureguiberry; that he took command in Campeachy, in November, in the year 1862; that the master is a Frenchman
29 by birth, as he believes.

8th interrogate. To the eighth interrogatory the deponent answers, that he knows not the tonnage of the vessel; that eight persons were of the ship's company at the time of capture; that they were Mexicans, as he believes; that they all shipped in November, in Campeachy.

9th interrogate. To the ninth interrogatory the deponent answers, that he belonged to said vessel at the time of capture, and was steward thereof; that he has no knowledge as to the ownership of the cargo.

10th interrogate. To the tenth interrogatory the deponent answers, that he has known said vessel but one month; that he cannot tell where said vessel was built; that her name was called the "Diana," that he knows no other name by which she was called.

11th interrogate. To the eleventh interrogatory the deponent answers, that he cannot say what water said vessel draws when laden, or when taken.

12th interrogate. To the twelvth interrogatory the deponent answers, that he cannot testify as to the character of said vessel's papers, or of what cargoes she has carried, or to what ports she sailed, previously to this voyage of her capture.

13th interrogate. To the thirteenth interrogatory the deponent answers, that said vessel had as cargo at the time she was taken sacks of rice, and various other articles of which he is ignorant; that they were put on board in November, A. D. 1862.

30 14th interrogate. To the fourteenth interrogatory the deponent answers, that the owner of the vessel at the time of seizure was Juan Cabado; that said owner is a Spaniard; that he cannot say how long he has owned her, or of whom he purchased.

15th interrogate. To the fifteenth interrogatory the deponent answers, that he has no knowledge of a bill of sale for said vessel.

16th interrogate. To the sixteenth interrogatory the deponent answers, that the cargo found on board said captured vessel, was first put there in Campeachy, in November, A. D. 1862; that he has no knowledge of laders, owners, or consignees.

17th interrogate. To the seventeenth interrogatory the deponent answers, that he has no knowledge of any bills of lading of said vessel.

18th interrogate. To the eighteenth interrogatory the deponent answers, that he has no knowledge of said vessel's papers.

19th interrogate. To the nineteenth interrogatory the deponent answers, that he cannot tell the degrees of latitude of said capture; that it was made off the coast of Texas, the precise time he cannot tell.

20th interrogate. To the twentieth interrogatory the deponent answers, that he cannot say what papers said vessel had on board at her time of departure from her last clearing port; that he saw no papers burned or destroyed on board.

21st interrogate. To the twenty-first interrogatory the de-
31 ponent answers, that he was ignorant of the blockaded ports of the south.

22nd interrogate. To the twenty-second interrogatory the deponent answers, that he cannot say as to what ports were blockaded, as French and American men-of-war were all about the coast; that he heard no conversation on board as to running the blockade.

23rd interrogate. To the twenty-third interrogatory the deponent answers, that he knew of no officer coming on board to examine the papers of the vessel, before the capture.

24th interrogate. To the twenty-fourth interrogatory the deponent answers, that he has no knowledge of said vessel's ever running the blockade.

25th interrogate. To the twenty-fifth interrogatory the deponent answers, that he has no knowledge of said vessel's having been seized and condemned as prize.

26th interrogate. To the twenty-sixth interrogatory the deponent answers, that he has sustained no loss by said capture; that he has not been promised any extra sum for any loss or detention.

27th interrogate. To the twenty-seventh interrogatory the deponent answers, that he does not know anything of insurance.

28th interrogate. To the twenty-eighth interrogatory the deponent answers, that he cannot tell who owns said property now, or who will own it, if unladen at its destined port.

29th interrogate. To the twenty-ninth interrogatory the
32 deponent answers, that as to the product of the cargo he cannot say, or where it was manufactured, or where it was grown.

30th interrogate. To the thirtieth interrogatory the deponent answers, that said cargo was laden on board said captured vessel from on board lighters, while lying at anchor in the roadstead of Campeachy, in November of the year 1862.

31st interrogate. To the thirty-first interrogatory the deponent answers, that he cannot say where said vessel's papers are, or whether she had a license from her government.

32nd interrogate. To the thirty-second interrogatory the deponent answers, that he cannot say who took said vessel's papers from the vessel, or where they are now.

33rd interrogate. To the thirty-third interrogatory the deponent answers, that bulk was not broken on the voyage of the capture.

34th interrogate. To the thirty-fourth interrogatory the deponent answers, that one passenger was on board said captured vessel at the time of seizure. That he does not know his name. That he believes said passenger was a captain and pilot. That he came on board at Campeachy, in November last. That he believes him to have been going to Matamoras. That he did not know of his having any property on board. That he cannot tell his place of residence or his nationality.

35th interrogate. To the thirty-fifth interrogatory the deponent answers, that he cannot say whether the papers and documents of said vessel were true or false.

33 36th interrogate. To the thirty-sixth interrogatory the deponent answers, that the capturing vessel was first seen by those on board the captured vessel at ten o'clock of the day of capture. That not being a mariner he cannot tell the course steered, but that they were running along the shore, close in. That he cannot tell as to the course steered, or which way the wind blew. That for the twenty-four hours previous to the capture they were steering for the land with a strong breeze, and made the land about two hours before they saw the boat of the captors, at which time, of making the land, they tacked ship and ran along the coast to find entrance to a harbor, for the purpose, as he understood, to make some repairs to the vessel. That a log-book was kept on board by the captain.

37th interrogate. To the thirty-seventh interrogatory the deponent answers, that he cannot tell of the sale or purchase of the vessel.

38th interrogate. To the thirty-eighth interrogatory the deponent answers, that no guns were mounted on said captured vessel.

39th interrogate. To the thirty-eighth interrogatory the deponent answers, that he only knows that he engaged to go to Matamoros and back.

40th interrogate. To the fortieth interrogatory the deponent answers, that he cannot say if said vessel ever sailed under convoy.

41st interrogate. To the forty-first interrogatory the deponent answers, that he cannot say whether said vessel ever entered a blockaded port.

34 42nd interrogate. To the forty-second interrogatory the deponent answers, that he does not know if said vessel ever sailed as a privateer.

43rd interrogate. To the forty-third interrogatory the deponent answers, that he cannot say whether said vessel ever acted in concert with an armed vessel, or sailed with one.

(S'd) PEDRO RODRIGNES.

Deposition of Leonardo Sanchez, before Cornelius Curtis, prize commissioner, at Key West, December thirteenth, 1862:

1st interrogate. To the first interrogatory the deponent answers. that his name is Leonardo Sunchez. That he was born in Campeachy, Mexico. That he has lived in Campeachy for the last seven years. That he owes allegiance to Mexico. That he is married man, and that his wife and family reside there.

2nd interrogate. To the second interrogatory the deponent answers, that he was on board, and present at the taking of the vessel and her lading, concerning which he is examined.

3rd interrogate. To the third interrogatory the deponent answers, that said seizure was made off a harbor of Texas, some fifteen days since, and brought to Key West.

4th interrogate. To the fourth interrogatory the deponent answers, that said vessel sailed under Mexican colors.

5th interrogate. To the fifth interrogatory the deponent an-
35 swers, that resistance was made at the time of capture. That the capture was made by an armed boat. That Juan Cabada owned said captured vessel. That the capturing boat belonged to a vessel of the United States.

6th interrogate. To the sixth interrogatory the deponent answers, that should said vessel not have been seized, the first port of entrance would have been Matamoras, and the second would have been Campeachy, her home port.

7th interrogate. To the seventh interrogatory the deponent answers, that the name of the vessel was the Diana, and that of her master was Don Pedro. That he does not know who appointed him to the command. That he lives in Campeachy.

8th interrogate. To the eighth interrogatory deponent answers, that he believes the tonnage of the vessel was about fifty tons. That eight persons comprised the ship's company at the time of seizure. That they were mostly Mexicans, either by birth or naturalization. That they shipped in Campeachy, in November of the year 1862. That the mate shipped the crew, that his only compensation was eighteen dollars per month.

9th interrogate. To the ninth interrogatory the deponent answers, that he belonged to the ship's company at the time of seizure, and was a mariner on board. That he had no interest in the cargo of the captured vessel.

10th interrogate. To the 10th interrogatory the deponent answers, that he has known said vessel about two months. That her name was the Diana, and he has only known her by that name.

11th interrogate. To the eleventh interrogatory the deponent
36 answers, that said vessel drew six feet of water when loaded, and that she drew that, about, when captured.

12th interrogate. To the twelfth interrogatory the deponent answers, that he cannot say when said vessel sailed on her last voyage, or what cargoes she carried. That her last clearing port previously to her capture was Campeachy, in the month of November, in the year 1862.

13th interrogate. To the thirteenth interrogatory the deponent answers, that said vessel had on board on her first setting out on the voyage in which she was captured, salt, rice, starch, arquadiente, and other articles. That they were taken on board in November, in the year 1862.

14th interrogate. To the fourteenth interrogatory the deponent answers, that Juan Cabada was owner of the vessel at the time of seizure. That he is a Spaniard by birth. That he, with his wife and family, reside in Campeachy.

15th interrogate. To the fifteenth interrogatory the deponent answers, that he knows of no bill of sale for said vessel.

16th interrogate. To the sixteenth interrogatory the deponent answers, that the goods found on board at the time of seizure were put on board at Campeachy in November, in the year 1862. That he does not know who the owners of the cargo were, or who shipped them, or to whom they would have belonged if unladen at the destined port.

17th interrogate. To the seventeenth interrogatory the deponent answers, that he knows not of any bills of lading signed for said captured vessel, or her cargo.

18th interrogate. To the eighteenth interrogatory the
37 deponent answers, that he has no knowledge of said vessel's papers.

19th interrogate. To the nineteenth interrogatory the deponent answers, that he cannot tell the latitude or longitude of the vessel when taken, but he believes her position was off Pass Cavallo, Texas, and that it was in the latter part of last month.

20th interrogate. To the twentieth interrogatory the deponent answers, that he cannot tell what papers said vessel had at the time of her departure, or what became of said papers.

21st interrogate. To the twenty-first interrogatory the deponent answers, that he did not know of the blockade of the Southern ports.

22d interrogate. To the twenty-second interrogatory the deponent answers, that he knows not of any blockade of American ports; that he heard no conversation on the voyage of running the blockade of any port.

23d interrogate. To the twenty-third interrogatory the deponent answers, that he cannot say anything as to an examination of the register of said vessel by any officer of the United States.

24th interrogate. To the twenty-fourth interrogatory the deponent answers, that he knows not if said vessel ever run the blockade.

25th interrogate. To the twenty-fifth interrogatory the deponent

answers, that he knows not if said vessel was ever condemned as prize.

38 26th interrogate. To the twenty-sixth interrogatory the deponent answers, that he has sustained no loss by this capture, thus far.

27th interrogate. To the twenty-seventh interrogatory the deponent answers, that he knows nothing about insurance of vessel or cargo.

28th interrogate. To the twenty eighth interrogatory the deponent answers, that he does not know to whom the cargo would belong, had it arrived, and been unladen at its destined port.

29th interrogate. To the twenty-ninth interrogatory the deponent answers that he cannot tell where said cargo was grown or produced.

30th interrogate. To the thirtieth interrogatory the deponent answers, that said cargo was taken on board at Campeachy, from canoes or launches, while the vessel lay at anchor in the bay, in the month of November, and in the year 1862.

31st. interrogate. To the thirty-first interrogatory the deponent answers, that he cannot tell where any papers are, belonging to said vessel or cargo.

32d interrogate. To the thirty-second interrogatory the deponent answers, that he saw no papers delivered or carried away from said captured vessel.

33d interrogate. To the thirty-third interrogatory the deponent answers, that bulk was not broken on the voyage of capture.

34th interrogate. To the thirty-fourth interrogatory the deponent answers, that one passenger was on board said vessel at the

39 time of capture, that he cannot tell of what country or name; that he cannot say of what profession or rank he was; that he does not know his business, or where he was bound.

35th interrogate. To the thirty-fifth interrogatory the deponent answers, that he cannot say whether said vessel's papers were true or false, or howthey were obtained, or where.

36th interrogate. To the thirty-sixth interrogatory the deponent answers, that the boat of the capturing vessel was first seen by those on board the captured vessel about eleven o'clock of the day of capture; that the capturing vessel were seen in the bay at daylight of the capture; that the course steered at the time of first seeing the boat was southwesterly along the coast; that the wind was about N. N. west, and continued the same, until they were taken; that the vessel was wide of her course at the time of capture, for the reason that damage had been done to the vessel by a hard wind and sea from the south, and they were obliged to sail before the wind and sea, while it continued heavy, which brought them out of their due course of sailing for their destined port; that the course steered the twenty-four previous to the capture was northwesterly; that on making the land at daylight, in the morning of capture, they kept along the coast with wind astern, until they were boarded by the boat, and made a prize; that no United States vessel of war were seen on the passage of capture.

37th interrogate. To the thirty-seventh interrogatory the deponent answers, that he does not know of the sale or purchase of said
40 vessel.

38th interrogate. To the thirty-eighth interrogatory the deponent answers, that no guns were mounted on said vessel; that no arms or ammunition was on board her, as he believes.

39th interrogate. To the thirty-ninth interrogatory the deponent answers, that the true intent of the voyage, he believes to have been to Matamoros and back to Campeachy, as a legitimate trading voyage, for business and profit of the merchants.

40th interrogate. To the fortieth interrogatory the deponent answers, that said vessel never sailed under convoy, as he believes.

41st interrogate. To the forty-first interrogatory the deponent answers, that said vessel has not on any voyage run the blockake.

42d interrogate. To the forty-second interrogatory the deponent answers, that said vessel never sailed as a privateer, as he believes.

43d interrogate. To the forty-third interrogatory the deponent answers, that said vessel did not, to his knowledge, sail or act in concert with any armed vessel.

(S'd) LEONARDO SAUCHES.

41 District court of the United States for the southern distric of Florida.

THE UNITED STATES
vs.
THE MEXICAN SCHOONER "DIANA" and cargo. } Prize.

Papers returned as found on board the said vessel, the Mexican schooner "Diana," and read in evidence, on the hearing of this cause.

One sealed package endorsed as follows: "De Campeche a Matamoros. Registro del Pailebot n'l Diana s'c Pedro Jaurequiberry. Despachado en 8 de Nobre de 1862."

(Sig'd) ERRARQUIN.

[Translation of endorsement.]

From Campeche to Matamoros, register of the national pilotboat boat "Diana," her captain Pedro Jaurequiberry, cleared on the 8th of November of 1862.

The said package contained two documents as follows:

Aduana Maritima de Campeche

Aduana Maritima de Campeche.—Registro de Salida, Num. 260.

Cabotaje.

Pailebot n'l Diana, de 54 57-100 tons, s'c C. Pedro Jaurequiberry,
Despachado bajo las reglas establecidas por la ley para Mata-
42 moros.

El administrador y contador de la Aduana Maritima de este puerto.

Certificanos: que con el permiso prevenido y formalides de estillo se ha habilitado el buque national espresado, su capitan el referido, que hace viage para el punto indicado con los efectos contenidos en el unico docum'to que se acompana. Y para constancia lo firmamos.

Documentos que se acompana.

Una poliza de diversos efectos del pais.

Aduana Maritima de Campeche, Nov'b 8 de, 1862.

(Sig'd) J. M. MUNEZ DE CASTRO.

(Sig'd) M. DE ERRARQUIN.

[Translation.]

Maritime custom house of Campeche, certificate of clearance.—No. 260.

Coastwise.

The national pilot boat "Diana," of the burthen of 54 57-100 tons, C. Pedro Jaurequiberry, master, has been cleared in accordance with the regulations established by law, for Matamorros.

The administrator and receiver of the maritime custom house of this port.

Certify: That the above-named national vessel, commanded by the aforesaid master, fitted out in accordance with the per-
43 mission previously obtained, and proceeds on a voyage to the port above-named, with the goods specified in the only document accompanying this, and for evidence we sign the present documents which accompany this.

"One list of assorted goods being the products of the country."

MARITIME CUSTOM HOUSE OF CAMPECHE, *Nov.* 8, 1862.

(Sig'd) J. M. MUNEZ DE CASTRO.

(Sig'd) M. DE ERRARQUIN.

Factura de los efectos siguientes que por cr. de quien corresponda embarcamos en el pailebot Nl. Diana, su Capitan Jaurequiberry, con destino Matamorros, a la consig'n de Don Jose M'a San Roman.

M'cas.		
D.	48. Cuarenta y ocho sacos de arros con 418 cuatro cientos diez y ocho arrabas v'tas, su valor	$418 00
F D	15. Quince cajas almidon con 82 a ochenta y dos arrobas peso, su v'r	123 00
J. G. C.	30. Trienta rallos jarcia de heneq'n, con 27 qg'tl, a $6	162 00
D	150. Ciento cincuenta sacos de sal Granada, con 100 cien fanegas	62 00
♂	9. Nueve pipas aquardiente de cana, con 54 barriles de 30 pascos, a $5	270 00
C & C	1. Una caja con 3 tres docenas de sapatos de cuero surtidos con peso ½ medio, a su valor en	40 00
C & C	1. Uni tro con 12 doce a hilo de Henequen, su valor	18 00

44 A. G.	27. Veinte y siete millares tabacos lalrados de varias clases, su v'r.....	150 00
P. G.	6. Seis tros costales de 5-4 con 600, y 36 a peso en junto, su v'r.....	96 00
	Suma.....	$1,339 00

Campeche, N'bre 5, 1862.
(Sig'd) CANO Y CABADA.
Tesoreria Gral del Estado de Campeche.]

Secan de recand'n—
(Sig'd) POBLACIONES.

Permitase el embarque.
(Sig'd) ERRARQUIN.

Pase.
(Sig'd) MONTALVO.

Executed.
(Sig'd) PEREGRA.

[Translation.]

Invoice of the following merchandise, which, for account of whom it may concern, we have shipped on board the national pilot boat Diana, Jaurequiberry, master, destined for Matamoras, and consigned to Don Jose Maria San Roman:

Marks.		
D	48 Bags rice, with (418) four hundred and eighteen arrobes nett, its value.....	$418 00
F D	15. Fifteen boxes starch, with 82 arrobes (eighty-two) *arrobes* weight, its value,	123 00
J. G. C.	30. Thirty coils of Heniquen rope, with 27 (twenty-seven) quintals, *a* $6.....	162 00
D	150. One hundred and fifty bags salt, with 100 (one hundred) faneegs.....	62 00
♂	9. Nine pipes cane rum, with 54 barrels of 30 flasks, *a* $5.....	270 00
C & C	1. One box, with 3 (three) dozen leather shoes assorted, weighing ½ half arrobe, value.....	40 00
C & C	1. One bale, with 12 (twelve) arrobes Heniquen twine, its value.....	18 00
45 A. G.	27. Twenty-seven thousand manufactured segars of various classes, their value,	150 00

P. G. 6. Six bales Gunny bags of 5-4, with 600 and weighing 36 thirty-six arrobes gross, value 96 00

Amount $1,339 00

Campeche, Nov'r 5, 1862.
(Sig'd) CANO Y CABADA.

{ Seal General Treasury of the State of Campeachy. }

The collector of customs.
(Sig'd) POBLICIONES.

Permit the shipment.
(Sig'd) ERRARQUIN.

Pass:
(Sig'd) MONTALVO.

Executed:
(Sig'd) PEREGRA.

No. 2.

ESTADO DE CAMPECHE, PUERTO DE CAMPECHE.

El capitan de este puerto, y miembro nato de su junta de Sanidad:

Concede licensia al C. Pedro Jaurequiberry para que con el paylebot correspondiente a esta matricula, de construccion Anglo Am'rca nombrado "Diana," de porte de cincuenta y cuatro, setenta y cuatro toueladas, y de la propiedad del C. Juan L. Cabada pueda hacer desde este puerto al de Matamoros, con seis hombres de mar, cuyas classes, nombres, patrias y matriculas se espresa nen la forma siguiente:

46 TRIPULACION.

Classes.	C. C. Nombres.	Patrias.	Matriculas.
Cap'n y piloto	Pedro Jaurequiberry	Francia	Vera Cruz
Contramaestre	Felipe Brisco	Italia	Campeche
Cosinero	Jose Dolores Rodrig'z	Campeche	Id
Marineros	Fran'co Rosas	Id	Id
	Leonardo Sauches	Id	Id
	Ambrosio Silva	Portugal	
Paje	Pedro Roderguez	Campeche	Menor de edad
Pasagero	Mr. George Stites	C. Yugles	

[Translation.]

STATE OF CAMPECHE, PORT OF CAMPECHE.

The captain of this port and chief of its board of health hereby grants a license to Captain Pedro Jaurequiberry, to enable him to proceed

from this port, in the pilot boat Diana, of fifty-four 74-100 tons, of Anglo-American build, and registered at this port, and owned by Juan L. Cabada, to the port of Matamoros, with a crew of six seamen, whose names, occupation, place of birth, and port of registry are hereunto annexed:

CREW LIST.

Occupation.	Names.	Place of birth.	Port of registry.
Captain and pilot	Pedro Jaureguibury	France	Vera Cruz
Mate	Felipe Brisco	Italy	Campeachy
Cook	Juan Dolores Rodriguez	Campeachy	do
Seaman	Francisco Rosas	do	do
"	Leonardo Sauchez	do	do
"	Ambrosia Silva	Portugal	
Cabin Boy	Pedro Rodriguez	Campeche	Minor
Passenger	Mr. George Stites	England	

No. 3.

Ha llegado a esta plaza y procedente de ese Puerto, el reo Andres Chicoya para que cumpla su condena, a que fue sentenciado por la superioridad del Estado de Oluajaca, lo que tengo el honor de participar a U. para su conocimiento, y en contestacion a su citado oficio.

Esta oportunidad me proporciona ofrecerle mi concideracion y aprecio.

Dios, lib. y reforma. Campeche, 10 de Noviembre de 1862.

JOSE GARCIA Y POBLACIONES.

C. Comandante Militar de Matamoros.

[Translation.]

I have the honor to inform you that the prisoner, Andres Chicoya, sent from that port to this, to undergo the punishment to which he was sentenced by the superior authority of the State Oluajaca, has arrived here.

The present opportunity enables me to tender you my consideration and esteem.

48 God, liberty, and reform.

Campeche, 10th November, 1862.

(Sig'd) JOSE GARCIA Y POBLACIONES.

To the Military Commandant of Matamoros.

No. 4.

REPUBLICA MEJICANA.

CUIDAD Y PUERTO DE CAMPECHE.

Patente de Sanidad.

El presidente, facultativo, y secretario de la junta superior de sanidad de esta cuidad, a nombre de ella:

Certificamos: que en toda esta poblacion, su distrito e iremediaciones, no existe enfermedad contagiosa ni epidemia alguna; y a pedimento de D. Pedro Jaureguiberry, cap'n del paylebot nac'l Diana, que con seis hombres de mar y un pasajero hace viage de este puerto para el de Matamoros, libramos la presente constancia, conforme a los acuerdos de la expresada junta, expidiendola y firmandola en la citada cuidad y puerto, a los ocho dias del mes de Noviembre de mil ocho cientos sesenta y dos.

(Sig'd) J. PERES ESPINOLA, *Facultativo.*
E. CASARES, *Presidente.*
V. NUNEZ DE CASTRO, *Secretario.*

[Translation.]

49 REPUBLIC OF MEXICO.

CITY AND PORT OF CAMPECHY.

Bill of health.

The president, health officer, and secretary of the superior board of health of this city, in the name of the same:

Hereby certify, that in this city and its environs, there exists no contagious or infectious disease; and, at the request of D. Pedro Jaureguiberry, master of the national pilot boat called the "Diana," with a crew of six persons and one passenger, bound from this port to the port of Matamoros, we grant the present in accordance with the regulations established by said board, hereby granting and signing the same in the aforesaid city and port, this eighth day of November, 1862.

(Sig'd) E. CASARES, *President.*
(Sig'd) J. PEREZ ESPINOLA, *Health Officer.*
(Sig'd) V. NUNEZ DE CASTRO, *Secretary.*

No. 5.

Factura de los efectos siguentes que por mi cuenta embarco para Matamoros en el palebot nacional "Diana," su capitan D'n Pedro Jaureguiberry, a la consignacion de D'n Jose Maria San Roman, asaber:

50 M'cas.

D	48 sacos arroz con, 10,957½ lilras lruto, tara 144 lbs., *a* 3 lb. cada uno uto 10,453½, *a* $6 pql.	$627 21	
	48 embases arroceros, *a* 2 rs.	12 00	
			$639 21
F D	15 cajas almidon con, 2,067½ lb., *a* 8 ctvo.	165 40	
	15 sacos de forro, *a* 1½ rs., $2 81¼; hincas, 7½ rs.	3 75	
			169 15

J G × Ca.	30 rollos jarcia con, 2,724 lbs., *a* $9 qgl.	245 16	
T	1 bulto, con 2 pzas bayeton, 78 and 78½, 156½ yds., y varas 169⅔, *a* 6 rs., vara	126 76	
			371 92
No. 15.	2 cajas conteniendo, asaber:		
[P] A F y Ca.	1 con 25 resmas papel florete, *a* 17 rs.	53 12½	
D D	1 con 25 resmas papel florete, *a* 18½ rs.	57 81¼	
			110 93¾
	6 barriles clavos:		
No. 6.	1 barril con 100 lbs. acerados de 2 ps., *a* 10c	10 00	
Accs.	2 barril con 200 lbs. acerados de 1½ y 2 ps., *a* 10c	20 00	
H	3 barril con 300 lbs. de abarrote de punta 1 con 5 ps., 1 de 2½ ps., y 1 de 2 ps., *a* $14 qgl.	42 00	
			72 00
No. 39.	20 cajas aceite Frances:		
F C	8 id. de botella, } 20 cajas en		
No. 38.	12 id. medias botella } junto, *a* $5½ caja	110 00	
G D	8 cajas vino Medoc, *a* 26 rs.	26 00	
D D	10 id. ginelza de ancla, *a* $4¾	47 50	
No. 10.	8 id. Conac de medias botellas, *a* $5¼	42 00	
No. 9.	2 id. id. de botella, *a* $5	10 00	
			235 50
C & C	1 tercio hilo de Henequen gordo, 12 *a* utas, *a* 14 rs.	21 00	
	6 costales de forro arroceros, *a* 2 rs.	1 50	
J A P	6 cajas velas estearicas de 20 lbs. una con 120 lbs. en junto, *a* 3 rs.	45 00	
			67 50
C & C	1 caja conteniendo zapatos de charol:		
	5 pares elasticos, *a* $4	20 00	
	6 id. federicos, *a* 18 rs. de charol	13 50	
	26 pares de becerro y gamura, *a* $20 dua	43 33½	
	embase 5 rs. forro de bayeton, 4½ rs.	1 18¾	
			78 02
	9 pipas agte de Cana, con 1,714 frcos y 57 3-30 barrs. de 30 frcos, *a* $5½ una	314 23	
	9 pipas embases, *a* $4⅓ una	40 50	

51	P G	6 tercios costales de 5 cuartas, ocn 100 cada uno recosidos en junto, 600, *a* $18 00	108 00	
				462 73
		100 fanegas de sal a Granada, *a* 78 rs.	87 50	
		150 costales pa.su embase, *a* $16 00	24 00	
				111 50
	F D	1 caja con 10 millares tabacos en cajetas de a 00 con etiqueta, *a* $11 millar	110 00	
	A G	1 caja con 6 millares tabacos a 00 la caja, *a* $10	60 00	
		2 millares en cajas de 250, *a* $10 mill'r	20 00	
		20 cajas tabacos del pais en cajas de a 500 en junto, 10 millares, *a* 28 rs.	35 00	
		2 cajas de embases, *a* 10 rs.	2 50	
				227 50
				$2,545 96¾
		Gastos:		
		Acarretos de embarque s-cta	$10 00	
		Derecho municipal de salida s-cta	6 47¼	
				16 47¼
		S. E. U. O. Suma		$2,562 44

Campeche, Noviembre 8 de, '862.

MIGUEL L. CANO.

[Translation.]

Invoice of the following articles which I have shipped for my own account on board of the national pilot boat "Diana," D'n Pedro Jaureguiberry, master, bound for Matamoros, and consigned to D'n Jose Maria San Raman, viz:

52	Marks.			
	D	48 bags rice, 10,597½ lbs. gross, tare 144 lbs., nett 10,453½ lbs., *a* $6 qtl.	$627 21	
		48 empty rice bags, *a* 2 rs.	12 00	
				$639 21
	F D	15 boxes starch, 2,067½ lbs. nett, *a* 8c.	165 40	
		15 sacs for covering, *a* 1½ rs., $2 81¼; fastening, 7½ rs.	3 75	
				169 15

J G & Co.	30 coils rigging, 2,724 lb., *a* $9 qtl.	245 16	
T	1 bale cont'g 2 pieces coarse flannel, 78 and 78½, 156½ yds. or 169$\frac{2}{6}$ varas, *a* 6 rs. p'r vara	126 76	
			371 92
No. 15. [P]	2 boxes containing, viz:		
A F & C.	1 with 25 reams white paper, *a* 17 rs.	53 12½	
D D	1 with 25 reams white paper, *a* 18½ rs.	57 81¼	
			110 93¾
	6 barrels nails:		
No. 6.	1 barrel with 100 lb. 2 in., *a* 10c.	10 00	
Acco.	2 do. with 200 lb. 1½ and 2 in., *a* 10c.	20 00	
H	3 barrel with 300 lb. 5 in., 2½, and 2 in., *a* $14 qtl.	42 00	
			72 00
No. 39.	20 boxes French oil:		
F C	8 con'g whole bottles, } *a* $5½ pr box	110 00	
No. 38.	12 do. half do. }		
G D	8 boxes Medoc wine, *a* 26 rs.	26 00	
D D	10 boxes gin, (anchor,) *a* $4¾	47 50	
No. 10.	8 boxes brandy, ½ bottles, *a* $5¼	42 00	
No. 9.	2 do. do., whole bottles, *a* $5	10 00	
			235 50
C & C	1 bale coarse Heniquen twine. 12 arrobes, nett, *a* 14 rs.	21 00	
	6 bags for baleing, *a* 2 rs.	1 50	
J A P	6 boxes sterine candles, 120 lbs., *a* 3 rs.	45 00	
			67 50
C & C	1 box cont'g patent leather shoes:		
	5 pair elastics, *a* $4	20 00	
	6 " patent leather slippers, *a* 18 rs.	13 50	
	26 pair calfskin slippers, *a* $20 doz	43 33½	
	box 5 rs. covering, 4½ rs.	1 18¾	
			78 02
	9 pipes rum cont'g 57 3-30 barrels, *a* $5½ p. bbl	314 23	
	9 empty pipes, *a* $4½ each	40 50	
P G	6 bales gunny bags, 100 each, 600, *a* $18 00	108 00	
			462 73
53	100 fanegas coarse salt, 100 lb. ea., *a* 7rs.	87 50	
	150 bags for packing, *a* $16 00	24 00	
			111 50

D F	1 case cont'g 10 M cigars, in boxes of 100 ea., *a* $11 pr. M.....	110 00	
A G	1 case cont'g 6 M cigars, in boxes of 100 ea., *a* $10 p. M.....	60 00	
	2 M in boxes of 250 each, at $10	20 00	
	20 boxes country cigars in boxes of 500 each, 10 M, *a* 28 rs.....	35 00	
	2 cases for packing, *a* 10 rs.....	2 50	
			227 50
			$2,545 96¾

Expenses:

Bill of cartage embarking.....	$10 00	
Municipal outward duties.....	6 47¼	
		16 47¼
E. & O. E. Amount.....		$2,562 44

Campeche, November 8, '862.
(Sig'd) MIGUEL L. CANO.

No. 6.

CAMPECHE, *Novbre* 10, 1862.

Sor D. Jose San Roman, Matamoros:

MUY SOR UTRO: Con esta fecha despachamos para esa'n pailebot "Diana," sc D. Pedro Jaureguiberry con varios efectos.

Como carecemos de relaciones en esa nos hemos acercado a
54 este 'n amigo D. Jose Ferrer el que ha tenido la bondad de darnos una carta para V para que tenga a bien admitir la consignacion de dicho buque.

A la carta del referido s'or agregamos esta suplicandole lo mismo a la ves que tenemos el gusto de ofrecerle nuestra casa para si algun dia se digna V ocuparla en algo.

Adjuntamos el conocimiento y factura de los efectos que van abordo, los que se servira realisar al mejor precio posible. Restanos anticipamos a darle los debidas gracias y repetirnos sus afrnos attos.

AMOS L. S. Q. B. S. M.
CANO Y CABADA.

[Translation.]

CAMPECHE, *November* 10*th*, 1862.

Dn. Jose San Roman, Matamoros:

DEAR SIR: We have this day despatched, for your port, our pilot boat "Diana," Capt'n Jaureguiberry, with a cargo of assorted goods.

As we have correspondent in your town to whom we can address ourselves, we have had recourse to our friend Dn. Jose Ferrer, who has had the kindness to favor us with a letter to you, in which he

requests that you will be pleased to accept the consignment of our vessel. To the letter of our friend, we add the present, in which we make the same request; and at the same time we take pleasure in offering you the services of our firm, at any time that you may desire to make use of it.

Enclosed we send bill lading and invoice of goods shipped, which please dispose of for the best possible price.

Thanking you in advance for your services.

We remain your attentive friends and serv'ts.

(Sig'd) CANO & CABADA.

No. 7.

CAMPECHE, *bre.* 10 *de*, 1862.

Sor D. Jose San Roman, Matamoros:

MUY SOR. MIO: Los Sres Cano y Cabada de este como. consiquan a v su p'bot "Diana," cuyo buque lleva una factura de varios efectos y como estos sres. carecen de relaciones en esa, suplico a v los atienda y cumpla con las ordenes que tengan a bien comunicarle, todo lo que le agradecera su affmo amigo.

L. S. Q. B. S. M.,
JOSE FERRER.

[Translation.]

CAMPECHE, *November* 10*th*, 1862.

Sor. Dn. Jose San Roman, Matamoros:

MY DEAR SIR: Messrs. Cano & Cabada, of this place have consigned to you their pilot boat "Diana," which carries an assorted cargo of merchandise, and as they have no business relations with your port, I have to request that you will take charge of their vessel, and carry out such instructions as they may commuicate to you, and for which I will be greatly obliged.

Your affectionate friend, &c.

(Sig'd) JOSE FERRER.

No. 8.

CAMPECHE, *Novbre* 10, 1862.

Sor. D. Pedro Jaureguiberry, presente:

MUY SOR. UTRO Y AMIGO: Cremos oportunio entregar a v la presente carta de instrucciones para que con mayor facilidad y precision pueda v recordar las operaciones de'n pailebot "Diana," cuyo Cap. es v en el viage que va emprender hoy.

V lleva facultades camplias para enagenar la factura que tiene el buque abordo y emplear su producido en al articulo que verbalmente le hemos dicho, no olvidando que nuestros deseos asi como el provecho de v consisten en traer todo lo mas que se pueda del referido articulo.

Aunque el buque va consignado a D. Jose San Roman v
57 hara loque crea mas conveniente a nuestros intereses.

No debe v despenderse de ningun dinero mientras pueda v hacer las compras con el producido de la factura y el rancho que en su concepto pueda vender dejando abordo el necesario para el regreso.

Como estamos amagados par la Guena que la francia tiene declarada a la Republica, a la vuelta recalara V Sisal o Celestun en donde recibira V nuestras ordenes.

Debera V llevar una Cuenta minuciosa de todas las operaciones que haga para poder calcular con esactitud si se pueden repetir las espediciones.

Omitimos lo demas que pudieramos decirle confiando en la inteligencia y actividad de V.

Restamos descarle un felis viage y repetirnos sus afmos S. S. Q. B. S. M.

CANO Y CABADA.

[Translation.]

CAMPECHE, *Nov'r 10th*, 1862.

Dn. Pedro Jaurequiberry, present:

DEAR SIR AND FRIEND: We think it advisable to hand you this letter of instructions in order that you may remember with
58 greater facility and precision the objects of the voyage to be undertaken to-day by our pilot boat "Diana," of which vessel you are master.

You have ample authority to dispose of the goods which are on board of the vessel, and to invest the proceeds in the article which we have mentioned to you verbably, not forgetting that our wishes as well as your personal interest consist in making the most of the article referred to.

Although the vessel goes consigned to Dn. Jose San Roman, you will do what you consider best for our interest. You should not disburse any money while you are able to make purchases from the proceeds of the invoice, and of such ship's stores as you can conveniently dispense with after reserving a sufficient quantity for the return voyage.

As we are embittered by the war which France has declared against the Republic, upon the return voyage you will touch at Sisal or Celestun, where you will receive our instructions.

You will keep an accurate account of all monies disbursed by you, in order that we may determine whether to continue or not these expiditions. We omit any further instructions which we might give, having full confidence in your intelligence and activity.

We conclude by wishing you a safe voyage, and by acknowledging ourselves

Your friends, &c.

(Si'd) CANO & CABADA.

59

No. 9.

Habiendo rematado en este puerto en publica subasta D. Juan. L. Cabada, el paylebot nacional "Diana," de porte de cincuenta y quatro toneladas, setenta y cuatro centecimos, siendo Anglo Americano con el mismo nombre, y no pudiendo dicho buque hir a Vera Cruz a sacar su correspondiente patente de nabegacion en la comandancia principal de marina del mar del norte que se halla actualmente en la cuidad de Jalapa por las actuales circumstancias, carese por esta causa de ella, y ahora hace viage a Matamoros al cargo de su Capitan D. Pedro Jaurequiberry, y a su falta como capitan de este puerto interino, le doy la presente que le servira de patente provisional por solo dicho viage de ida y buelta, en Campeche a ocho de Noviembre de mil ocho cientos sesenta y dos.

(Sig'd) JOSE MA. MACHIN.

[Translation.]

Dn Juan L. Cabada, having purchased at public auction the national pilotboat called the "Diana," of the burthen of fifty-four tons 64–100, and being of Anglo-American build, and bearing the same name, and it being impracticable for said vessel to proceed to the port of Vera Cruz for the purpose of obtaining a register in the principal marine district of the north sea, which under the pre-

60 sent existing circumstances is located in the city of Jalapa, is for the reasons above specified without said document, and proceeds at present to the port of Matamoros in charge of Captain D. Pedro Jaurequiberry, with a provisional register granted by the undersigned captain of this port ad interim, to be valid during this and the return voyage only.

(Sig'd) JOSE MA. MACHIN. [SEAL.]

No. 10.

Pase para Matamoros en el Pailebot Nl. Diana su Capitan Jaurequiberry lo sig'te que remite el cap'n a Dn. George W. Chase.

[C] 4,	quatro embases con 8 barriles de 30 frascos ag'te cana	$40 00
" 1,	un saco con 200 lbs. arros	10 00
" 1,	un saco con 200 lbs. frijoles	12 00
" 1,	una caja almidon 100 lbs	8 00
" 1,	una caja con tres $ jabon 12 lbs. peso	3 00
	Suma	$73 00

Campeche, No'bre 8, 1862.

MORALEZ.

Permitase el embarque.

ERRARQUIN.

Pase.

MONTALVO.

Cumplido.

[SEAL.]

PEREGRA.

61 Pase para Matamoros en el pailebot n'l Diana su Capitan Jauregniberry lo sig'te que remite dho Cap'n para entregar a D. Jose Morra.

9, nueve millares tabacos del pais *a* $5.....		$45 00
12, id. id. id. id. *a* 20 r's.....		30 00
		$75 00

Campeche, No'bre 7, 1862.

MORALES.

Permitase el embarque.

ERRARQUIN.

Pase.

MONTALVO.

Cumplido.
[SEAL.]

PEREGRA.

Nota del rancho para el pailebot n'l "Diana" que hace viage para Matamoros, su Cap'n el q'l suscribe asaber.

10, diez barriles Galleta con 5 qq'l.
1½, uno y m'o qq'l Manteca.
1, un saco de arroz con, 9 *a*.
3, tres *a* cafe de Vera Cruz.
1, un barril azucar, 9 *a*.
1, un saco de frijoles, 7 *a*.
4, cuatro *a* carne salada.
4, cuatro *a* pescada salada.
6, seis garafones vino tuito.
6, seis garafones aguadiente de cana.
1, una caja ginebra.
1, una caja cognac.
3, tres butijas aceyte olivas
2, dos *a* bacalao.
62 1, una *a* fideos.
2, dos jamones con, 24 lbs.
1, un cantaro aceyte trigerilla.

Campeche, N'bre 7, 1862.
Bor el Capitan,

CANO Y CABADA.

Permitase el embarque.

ERRARQUIN.

Pase.

MONTALVO.

Cumplido.
[SEAL.]

PEREGRA.

[Translation.]

Permission is hereby granted for the shipment of the following articles on board the pilotboat Diana, Jaurequiberry, master, bound to Matamoros, and consigned to Mr. George W. Chase.

[C] 4,	four casks with 8 barrels of 30 flasks rum	$40 00
1	bag rice, 200 lb	10 00
1	bag beans, 200 lb	12 00
1	box starch, 100 lb	8 00
1	box with 3$ worth soap, 12 lb. weight	3 00
	Amount	$73 00

Campeche, Nov'r 8, 1862.
(Sig'd) MORALES.

Permit the embarcation.
(Sig'd) ERRARQUIN.

Pass.
(Sig'd) MONTALVO.

Executed.
(Sig'd) PEREGRA.

63 Permit the shipment of the following articles on board the pilotboat Diana, Jaureguiberry, master, bound to Matamoros, and consigned to D'n Jose Mora, for account of said master.

9 M	country cigars, *a* $5	$45 00
12 M	country cigars, *a* 20 r's	30 00
		75 00

Campeche, Nov'r 7, 1862.
(Sig'd) MORALES.

Permit the embarcation.
(Sig'd) ERRARQUIN.

Pass.
(Sig'd) MONTALVO.

Executed.
[SEAL.] (Sig'd) PEREGRA.

Memorandum of stores shipped on board the national pilotboat "Diana," Capt. Jaureguiberry, bound for Matamoros:

10, ten barrels bread with 5 qq'l.
1½, one and a half quintals lard.
1, one bag rice with 9 arrobes.
3 arrobes Vera Cruz coffee.

1, one barrel sugar, 9 arrobes.
1, one bag beans, 7 arobes.
4, four arrobes salt beef.
4, four arrobes salt fish.
6, six demijhons claret wine.
6, six demijhons rum.
1, one box gin.
1, one box cognac brandy.
3, three jars olive oil.
64 2, two arrobes codfish.
1, one arrobe vermicilli.
2 hams with 24 lb.
1, one jug lamp oil.

Campeche, Nov'r 7, 1862.
For the captain, CANO & CABADA.

Permit the embarcation.
(Sig'd) ERRARQUIN.

Pass.
(Sig'd) MOTALVO.

Executed.
(Sig'd) PEREGRA.

No. 11.

El Jefe Politico, del partido de esta capital:

Concede pasaporte al ciud'o Yngles George Stites, para que se dirija al puerto de Matamoros, a dilig's prop's.

Campeche, Nove'e 8 de 1862.
JOSE GARCIA Y POBLACIONES.

No. 12.

Registrado a fs. 24, del lilro respectivo.

[Translation.

The governor of this district:

Hereby grants a passport to George Stites, a British subject, to proceed to the port of Matamoros, on personal business.

Campeche, November 8, 1862.
(Sig'd) JOSE GARCIA Y POBLACIONES.

No. 12.

Registered on folio 24, of the corresponding book of records.

65 No. 13.

Num. 1,042. Aduana Maritima de Campeche.
JUAN A. ZAMBRANO,
Official Mayor.

Pase para celestan en la canoa Branlina s'p. castro lo siguiente que contiene el adjunto pase que remite Cano y Cabada, a Perfecto Solis.
Plazo ocho dias—presentado este sin posdata ni enmienda.
Campeche, 5 de Nob're de 1862.

ERRARQUIN.

Pase.

MONTALVO.

Complido.

J. URORA.

Pase para celestun en la canoa Branlina su patron castro lo seguiente que remiten Cano y Cabada a Perfecto Solis.

8,	ocho cajas vino Medoc en	$16 00
10,	diez cajas ginebra	20 00
10,	diez cajas cognac	20 00
6,	seis quintales clavos	30 00
2,	dos cajas papel florete	30 00
1,	un bulto bayeton con 2 pzas y 156 yds.	25 00
4,	cuatro cajas velas estearicas de 25 lbs. una	16 00
20,	veinte cajas aceite Frances en	40 00
		$197 00

Campeche, No'bre 5 de 1862.
[SEAL.] Del pase No. 1,042.

[Translation.]

No. 1,042. Maritime custom-house of Campeche.
66 (Sig'd) JUAN A. ZAMBRANO,
Chief Officer.

Let the articles of merchandize specified in the annexed permit and shipped by Cano and Cabada to Prefecto Solis pass to Celestun in the boat or canoe "Branlina," Castro, master.
Time allowed to present this eight days, without additions or corrections.
Campeche, Nov'r 5, 1862.

ERRARQUIN.

Pass.
(Sig'd) MONTALVO.

Executed.
(Sig'd) J. URORA.

Permit the following articles shipped by Cano and Cabada, and consigned to Dn. Perfecto Solis, on board the boat Branlina, Castro, master, to proceed to Celestun:

8,	eight boxes Medoc wine	$16 00
10,	ten boxes gin	20 00
10,	ten boxes cognac brandy	20 00
6,	six quintals nails	30 00
2,	two boxes white paper	30 00
1,	one bale coarse woollen cloth, 2 pcs, 156 yds	25 00
4,	four boxes sterine candles, 25 lbs. each	16 00
20,	twenty boxes French oil	40 00
		$197 00

Campeche, Nov'r 5, 1862.
[SEAL.] From the permit No. 1,042.

No. 14.

Digo yo Pedro Jaureguiberry, capitan, que soy del paile-
67 bot n'l "Diana," que se halla anclada en este puerto de Campeche, proximo a emprendez viage para el de Matamoros, que he recibido a bordo bajo partida, de registro y con la marca y numeros del margen de D'n Miguel L. Cano, subdito Espanol.

D F D	48 sacos arroz con 10,453 lbs. ntas 15 cajas de almidon 2,067 lbs. id	12,520 lb. *a* 1 c.	$125 20
J G C	30 rolles jarcia 2,724 lb *a* $2 qql		54 48
T	1 bulto con 2 psas bayeton negro en		5 00
No 15 P	2 cajas papal florete *a* $4 una		4 00
A F C D D H	6 barriles clavos con 600 lbs *a* $1 qql		6 00
F C	20 cajas aceite Frances		10 00
G D	8 cajas vino tinto *a* 4 rs		4 00
D D	10 cajas ginebra *a* 4 rs		5 00
"	10 cajas cogñac *a* 4 rs		5 00
J P A	6 " velas tearicas		3 00
C & C	1 " tapatos		3 00
"	1 jro hilo 12 *a*		4 00
P G	6 jros costales		24 00
♂	9 pipas agte de caña *a* $7		63 00
D F	1 caja con 10 mil tabocos suprs		12 00
A G	1 " " 8 mil tabacos sups. en		7 00
"	20 " con 500 una tabacos *a* 4 rs. 10,000		10 00
	100 fanegas sal *a* 14 rs		175 00
	Suma		$523 68

De que me doy por entregado a mi entera satisfaccion, y en los mismos terminos, llegado a salvamento con dicho buque, me obligo a hacerlo en el citado puerto, s' en el que se diere por cumplido mi registro a Dn. Jose Ma. San Roman, del como. de Matamoros o a
68 suorden quien verifficada mi fiel entrega me ha de satisfacer por flete y conduccion la suma de quinientos veinte y tres pesos, sesenta y ocho cento, a cuyo debido cumplimiento obligo mi persona y bienes, señaladamente el espresado buque flete aparejos y la mejor parade de el seguin practica y ley de comercio firmando tres de este tenor, cumplido el seno los demas no valgan.

Campeche, Noviembre 7, de 1862.

Ignoro el peso y contenido y no respondo de averias.

P. JAUREGUIBERRY.

[Translation.]

I, Peter Jaureguiberry, captain of the pilot-boat "Diana," at present lying at the port of Campeche, bound for Matamoros, say, to have received on board, from Dn. Miguel L. Cano, Spanish subject, being marked and numbered as in the margin, to say:

D	48 bags rice, 10.453 lbs. } 12,520 lbs. *a* 1 c.	$125 20
F D	15 boxes starch, 2,067 " }	
J G C	30 package ropes, 2,724 lbs *a* $2 pr qql....	54 48
T	1 package, 2 pieces bayeton (black).....	5 00
No 15 P	2 boxes paper (florete) *a* $4 each.....	8 00
A F C		
D D	6 barrels nails, 600 lbs *a* $1 pr. qql.....	6 00
H		
F C	20 boxes French oil.....	10 00
G D	8 " claret wine *a* 4 rs.....	4 00
D D	10 " gin " 4 rs.....	5 00
"	10 " cognac " 4 rs.....	5 00
J P A	6 " star candles.....	3 00
C & C	1 " shoes.....	3 00
"	1 gross thread 12 *a*.....	4 00
P G	6 gross bags *a* $4.....	24 00
69	9 pipes rum *a* $7.....	63 00
D F	1 box, 10 M supr segars.....	12 00
A G	1 box, 8 M " ".....	7 00
"	20 " 500 each, segars, 10 M *a* 4 rs. pr. box.....	10 00
	100 fanegas, salt, *a* $1 75 pr. fanega.....	175 00
	Amount.....	$523 68

These I received in good order and condition, and in like manner am I to deliver in the said port of Matamoros, and unto Dn. Jose Maria San Roman, of that port merchant, or to his assign, (dangers of the sea excepted,) he paying freight in the sum of five hundred and

twenty-three dollars and sixty-eight cents, after receiving the said goods and vessel, having pledged myself and property for the safe delivery of the said vessel, freight, chattels, and all articles belonging to it; and furthermore, I have affirmed to three bills of this tenor, one being accomplished the others to stand void.

Campeche, November 7th, 1862.

Weights and contents unknown; not accountable for damages.

(Sig'd) P. JAUREGUIBERRY.

[Extracts from the log-book.]

Martes 11 al Miercoles 12 de Noveimbre, 1862.

Vientos.	Rumbos.	Acontecimientos.
S. S. E.	N. ¼ N. O.	A las 3 h. de la tarde fondeamos en Celestun para tesar la yarcia de los palos y del baupres. A las 7 h. de la tarde dimos vela con rumbo al N. ¼ N. O. para pasar entre Alacran y la isla de Arena, con vientos del 2o cuadrante mar agitada del norte.

[Translation.]

Tuesday 11th to Wednesday 12th November, 1862.

Winds.	Courses.	Remarks.
S. S. E.	N. W. ¼ N.	At 3 o'clock, p. m., we anchored in the harbor of Celestun to haul taut the rigging of the masts and bowsprit. At 7 p. m., we made sail and steered N. W. ¼ north, to pass between the Alacranes and Arena islands; wind S. S. E., with some sea.

Miercoles 12 al Jueves 13 de Noviembre, 1862.

Vients.	Rumbs.	Acontecimientos.
S. E. ✓ Sur.	N. ¼ N. O.	Empeso el tiempo con cielo oscuro poco viento del 2o cuadrante mar bonanza a las 5 h. de la tarde el viento al con relampagos al S. O.
S. O.	O. N. O.	A las 5 mismo tiempo hasta las 7 h. que se llamo el viento al S. O. fresco con agua muy abundante se tomaron dos fajas de risos al mayoz y a trinquete se afforro el fofoque y se safo la boneta del foque. Nismo tiempo mar un poco agi- 71 tado el barco laboreando mucho, haciendo su poco agua chicando la bomba cada 2 horas. En estas 4 h. la Mar ha sido mas gruesa y el viento mas fresco. No hubo observacion.

[Translation.]

Wednesday 12 to Thursday 13 November, 1862.

Winds.	Courses.	Remarks.
S. E. & South.	N. W. ¼ N.	This day begins with a dark sky and little wind and a quiet sea; at 5 o'clock in the evening the wind increased with lightning in the southwest. At 5 o'clock same weather until 7 o'clock when the wind changed to the southwest, blowing a fresh breeze, with much rain; took two reefs in the mainsail and foresail, furled the flying jib, and took the bonnet out of the jib.
	W. N. W.	Same weather, sea some agitated, the vessel laborngi much and making a little water; pumped ship every two hours. In this watch the sea has been heavier and the wind blowing much stronger. Had no observation.

Jueves 13 al Viernes 14 Noviembre, 1862.

Vients.	Rumbs.	Acontecimientos.
S. O.	O. N. O.	En estas 4 horas el viento a sido un poco mas manuable pero la mar muy gruesa agua de lluvia con abundancia las bombas han sido atendidos cada dos horas.
S. O.	W. N. W.	Mismo tiempo hasta las 8 h. que represco el viento y que ha cesado en llover. A las 10 h. el caris muy feo el barco trabajando muchisimo falto el sancho del pico del trinquete en el espiga del palo, se aguardo hasta el dia clara con el trinquete aferrado. A las 6 h. m. se puso un estrobe a la espiga del palo trinquete para engachar el pico de la vela de trinquete a las 7 h. se hiso la dicha vela. A medio dia el tiempo mas bonanza pero la mar gruesa la cubierta siempre lleno de agua a las 12 en punto viento O. S. O. No hubo altura meridiana.

[Translation.]

Thursday 13 to Friday 14 November, 1862.

Winds.	Courses.	Remarks.
S. W.	W. N. W.	During these four hours the wind has been more moderate but the sea very heavy and accompanied with much rain; the pumps have been attended every two hours. Same weather until 8 o'clock, when the wind increased and it ceased raining. At 10 o'clock the weather had a very bad appearance; the vessel working much; broke the clamp of the peak of

Thursday 13 to Friday 14 November, 1862—continued.

Winds.	Courses.	Remarks.
		the foresail, waited for daylight with the foresail furled. At six o'clock in the morning the damage to the peak of the foresail was repaired. 73 At 12 o'clock the weather more pleasant with a heavy sea; the decks always under water; at 12 o'clock, precisely, the wind was at W. N. W. Had no meridian altitude this day.

Viernes 14 al Sabado 15 de Noviembre, 1862.

Vients.	Rubs.	Acontecimientos.
O. S. O.	N. O.	A las 12 del medio dia pasada nos vino una rafaga de viento del O. S. O. con una furia que nos hizo ariar el trinquete y asegurar la mayor. A las 5 de la T. se rompio la subarba del baupres se ha hecho una ligada con la brunca para asegurar el dicho baupres no haviendo otro medio mejor, y se hisaron lasvelas siempre con sus dos fajas de risos tomadas. Siguio el tiempo asi con agua y mar grueso el tiempo mas claro y mas bonanza. A medio dia se vio el sol se tomo la meridiano que dio por lat. N. 26° 10′, y long. O. 85° 23′.

[Translation.]

Friday 14 to Saturday 15 November, 1862.

Wind.	Courses.	Remarks.
W. S. W.	N. W.	At 12 o'clock, meridian just past, we were struck with a furious squall of wind from W. S. W. which compelled us to lower the foresail and secure the mainsail.
		At 5 o'clock in the evening broke the bobstay of the bowsprit; made a lashing of rope to secure the said bowsprit, having no better means; sail was then made with double reefs.
S. W.	W. N. W.	Weather continues the same with a heavy sea and rain.
W.	W. N. W.	Weather continues the same.
		Weather more pleasant.
		At 12 o'clock the sun was visible and we took an observation; our latitude was 26° 10′ N., longitude 85° 23′ west.

74

Sabado 15 al Domingo 16 de Noviembre, 1862.

Vtos.	Rumbos.	Acontecimientos.
Oeste.	O. N. O.	En este guardia el tiempo mas moderado mar mas bonanza se safaron un riso a cada vela mayor.
		A las 5 h. el viento mas maneable y la mar mas bella se largaron todos los risos y se largo el fofoque.
		Se observo la altura meridiana al medio dia lat. 27° 59′ N., long. estimo. 85° 03′ O.

[Translation.]

Saturday 15th to Sunday 16th November, 1862.

Winds.	Courses.	Remarks.
W.	W. N. W.	In this watch the weather has moderated and sea become smoother; shook one reef out of the sails. 75 At 5 o'clock the wind more manageable and sea smoother; all reefs out of sails and set the flying-jib. Observed the meridian altitude at midday; lat. 27° 59′ N., estimated longitude 85° 03′ west.

Domingo 16 al Lunes, 16 Noviembre, 1862.

Vientos.	Rumb's.	Acontecimientos.
Oeste.	S. S. O.	Empeso con viento moderado del oeste mar bastante bonanza pero sin sesar una lluvia fina el caris del cielo cargado el admf'a nublinosa. No hubo latitud observada a medio dia en el momento se vio el estay de trinquete roto en el agugero del baupres en donde pasa el dicho estay, se puso luego el barco popa a la mar hasta que se puso un aparejo al palo para sugetarlo. Latitude estima N. 26° 16′; long. estima O. 85° 21′.

[Translation.]

Sunday 16 to Monday 17 November, 1862.

Winds.	Courses.	Remarks.
West.	S. S. W.	This day begins with a moderate breeze from the west; sea smooth, sky cloudy, and drizzling rain. No observation for latitude taken this day; broke jib-stay, and put the vessel before the sea until the damage was repaired.

76 Lunes 17 al Martes 18 Noviembre, 1862:

Vientos.	Rumb's.	Acontecimientos.
S. S. O. S,	Oeste. O. S. O.	Empeso el tiempo mui osuero a la 1a de la tarde nos vino un chuvasco del sur que nos hiso arriar el fofoque y el trinquete se affro el fofoque y se tomaron dos risos el trinquete viendo que el viento resfrescaba tambien se tomaron dos fajas de
S.	S. O.	risos a la mayor a las 4 de la Tarriamos le trinquette y nos pusimos a capear con mayor y foque no pudiendo asi capear dos pusimos solo con la mayor pero haviendose puesto lamar muy gruesa y no
S.	N. N. O.	pudiendo capear reciviendo la mar por la proa del barco, la cubierta lleno de agua y tambien por el miedo de perder el baupres que no estra bien sujetada por falta de la sobarba tubrinos que seguir viento y mar en popa governando entre N. y no presentando la popa a la mar, eso fue a las 8'h de la noche el resto de la noche fue muy feo.
S.	N. N. O.	Mismo tiempo el barco ha echo mas agua que los dias pasados pero se chico la bomba a las 8'h de la manana el viento llamo al S. S. E. pero siempre la mas gruesa del sur. No hubo observacion meridiana. Lat. llegada N. estima 28° 25';
S. S. E.		long. llegada O. estima 86° 07'.

[Translation.]

Monday 17th to Tuesday 18 November, 1862.

Winds.	Courses.	Remarks.
S. .W. S.	W. W. S. W.	This day begins with very dark weather. At 1 o'clock in the afternoon had a heavy squall of rain from the
		77 south, which caused us to take in the flying jib and foresail, furled the flying-jib, and took two reefs in
S.	S. W.	the foresail; and as the wind contin-

Monday 17th to Tuesday 18 November, 1862—continued.

Winds.	Courses.	Remarks.
S.	N. N. W.	ued to increase, we also took two reefs in the mainsail. At 4 o'clock in the evening took in the foresail and lay-to under the jib and mainsail, but failing to lay-to with that sail, we tried to do so under the mainsail alone. But as the sea had become very heavy, and we could not lay-to, and it was making a complete breach over the vessel forward, and keeping the decks full of water, and fearing to lose the bowsprit, which was not well secured, we had to put the vessel before the wind and sea, and steered north and
S.	N. N. W.	northwest. This occurred at 8 o'clock in the evening. The balance of the night had a very threatening appearance.
S. S. E.	N. N. W	Same weather; vessel has leaked more than usual; pumped the vessel at 8 o'clock in the morning. The wind changed to S. S. East, the sea continuing heavy from the south.
		Had no observation to-day.
		Latitude estimated at 28° 29′ N.
		Longitude estimated at 86° 07′ W.

Martes 18 al Miercoles 19 de Noviembre, 1862.

Vientos.	Rumbos.	Acontecimientos.
Sur.	N. N. O.	En este guardia el viento vario al S.
S. S. O.		O. pero con menos fuersa à las 4h de la
S. O.		tarde se manifestaron relampagos del
"		N. O. y el viento empeso a calmar y la
O.		mar a abonansar aprovechamos de este
Calma.		tiempo para hacer uno nudo al estay del
		trinquete con mucho trabajo pudimos
N. O.		tesarlé para asegurar el palo de
	O ¼ N. O.	78 dicho trinquete pero no se pudo
N. N. O.		fiar no haviendose acabado el tra-
		bajo como devido, se puso un aparejo ala
		cabesa de dicho palo al pie de baupres
		por si acaso tuviese lugar un mal tiempo,

Martes 18 al Murcoles 19 de November, 1862—continued.

Vientos.	Rumbos.	Acontecimientos.
	O. N. O.	a las nueve de la noche empeso el viento a soplar del N. N. O. Con bastante fuerza a las diez habia mucha mar de manera que habia un contraste con las dos mares la del N. y la del Sur. el barco trabajo muchisimo en este estado, hasta que por fin a las 4h de la manana se ha quedado solo la mar del norte, desde las 10h empesamos a capear con mayor tomados dos fajas de risos mar gruesa y viento muy fuerte el horizonte oscuro no hubo latitud meridiana. Lat. estima N. 28 33; long. estima O. 86° 30′.

[Translation]

Tuesday 18 to Wednesday 19 November, 1862.

Winds.	Courses.	Remarks.
S.	N. N. W.	During this watch the wind changed to the S. W., blowing with more force at 4 o'clock p. m. There was lightning from the N. W., and the wind and sea began to moderate, we took advantage of the change in the weather to repair the damage to the fore rigging.
S. S. W.		
S. W.		
"		
W.		
Calm.		
N. N. W.	W ¼ N.	At 9 o'clock in the evening the wind began to blow from N. N. W. with much force. At 10 o'clock there was a heavy cross sea from the north and the south, and the vessel has worked much during this time. At 4 o'clock a. m. only the sea from the north remains. From 10 o'clock we have been laying-to under double reefed mainsail. The wind and sea are very heavy, and the horizon very dark. No latitude observed to-day.
		Latitude estimated, 28° 33′ N.
N. N. W.	W. N. W.	Longitude " 86° 30′ W.

Miercoles 19 al Jueves 20 de Noviembre, 1862.

Vientos.	Rumbos.	Acontecimientos.
N. N. O.	O. ¼ N. O.	En estas 24 horas no habido variacion ninguna estubimos capeando con viento y mar del N. N. O. Se a chicado la bomba todas las horas. Se observo la latitud un poco dudosa que dio 27° 52′ N. Latitud estima, N. 28° 06′. Long. " O. 86° 58′.

[Translation.]

Wednesday 19 to Thursday 20th November, 1862.

Winds.	Courses.	Remarks.
N. N. W.	N. W. ¼ W.	During these twenty-four hours there has been no change in the weather; we have been lying-to with the wind and sea from the north northwest; pumped ship every hour. Had an imperfect observation, which placed us in latitude 27° 52′ north. Latitude by dead reckoning, 28° 06′ N. Longitude " 86° 58′ W.

80 Jueves 20 al Viernes, 21 de Noviembre, 1862.

Vientos.	Rumb's.	Acontecimientos.
N. N. O.	O. ¼ N. O.	Mismo tiempo que en el dia precedente se ha chicado la bomba todas las horas, creo tener averias en el cargamento porque el barco hace mas agua qui los dias pasados. Latitud estima, N. 27° 20′. Long. " O. 87° 26′.

Translation.],

Thursday 20 to Friday 21st November, 1862.

Winds.	Courses.	Remarks.
N. N. W.	N. W. $\frac{1}{4}$ W.	Same weather as the day previous. The pumps have been attended every hour. The cargo is supposed to have sustained damage, as the vessel leaks more than usual. Latitude, by dead reckoning, 27° 20′ N. Longitude, " 87° 26′ W.

Viernes 21 al Sabado 22 de Noviembre, 1862.

Vientos.	Rumbos.	Acontecimientos.
N. O.	O $\frac{1}{4}$ N. O.	En este guardia empeso el tiempo a moderarse pero siempre habido mucha mar. A las 8h de la noche empeso a calamar el viento. A las 10h de la noche calma, marejada del norte, el barco laboreando mucho con los balances por la falta de viento y la existencia de la marejada.
N.	O. N. O.	
Calma.		
		En este guardia la mar mas calma. A las 6h de la manana buena a aperiencia el sol muy hermoso a su salida a las 8h menos marejada, a las 9h acabamos de componer el estay del trinquite pero no se pudo componer la sobarba, el trabajo siendo abajo del agua en la branca del barco, tambien se atesaron toda la jarcia de popa a proa y se remendaron el trinquete y la mayor por sur anifados y se compuso el amarllino de la botabana por haberse rompido en su amente. Latitud observada, N. 28° 12′. Long. estima, O. 87° 37′.

[Translation.]

Friday 21 to Saturday 22nd November, 1862.

Winds.	Courses.	Remarks.
N. W.	N. W. ¼ W.	During this watch the weather has moderated, but the sea has continued heavy.
W.	W. N. W.	At eight o'clock p. m. the wind has began to moderate.
"	"	At ten o'clock p. m. it was calm. The
Calm.		sea from the north, the vessel laboring much on account of the swell.
		During this watch the sea is more calm.
		At 6 o'clock a. m. the sun arose splendidly. At 8 o'clock there was less sea. At 9 o'clock we finished overhauling and repairing the forerigging. The rigging fore and aft has also been overhauled and the foresail and mainsail repaired.
		Latitude by observation, 28° 12′ north.
		Long., dead reckoning, 87° 37′ west.

82 Sábado 22 al Domingo 23 de Noviembre, 1862.

Viento.	Rumbos.	Acontecimientos.
		En toda la guardia calma.
		Calma chicha el sol se levanto muy claro.
		A medio dia calma y se observo la meridiana que dio por latitud N. 28° 23′, las corrientes tiran para el norte como ½ milla cada hora. Long estima del dia anterior O. 87° 37′.

[Translation.]

Saturday 22 to Sunday 23rd November, 1862.

Winds.	Courses.	Remarks.
		During the whole of this watch it has been calm. The weather has continued as above stated during the whole day. At 12 o'clock had an observation which placed us in latitude 28° 23′ north. Longitude, by dead reckoning of the previous day, 87° 37′ west. The current setting north, about ½ mile per hour.

Domingo 23 al Lunes 24 de Noviembre, 1862.

Viento.	Rumbos.	Acontecimientos.
		Toda la tarde calma chicha el tiempo muy claro sin relaje ninguno. A las 2h de la manana un poco de viento como ventolina del S. O. se aorzo 83 todo loque se pudo para asercarse en busca de la sonda para determinar una longitud aproximada y para despues hacer rumbo al puerto de destino o'bien a uno de los puertos mas aproximados para reparar nuestra averias tanto en las maniobras y velamen como en el casco del buque.
S. O.	O. N. O.	
S. O.	O. N. O.	
		Se observo la latitud mde 28° 31′. Long estima oeste 87° 51′. Habiendo verificado el cambio del color de agua se sondo por 20 brasas de agua fondo fango suelto y color negro. Arreglado a la sonda segun el plano espanol no se pudo verificar la longitud porque los numeros de la sonda empiesan en el parallelo por 15 brasas y continuamos a acercarmos a tierra para determinas un punto de partido.

[Translation.]

Sunday 23 to Monday 24th November, 1862.

Winds.	Courses.	Remarks.
		It has been calm during the whole afternoon, and the weather very clear.
S. W.	W. N. W.	At 2 o'clock in the morning we had light variable winds from S. W; we luffed all that was possible for the purpose of finding soundings, and determining our longitude, and by that means to enable us to make a straight course for our port of destination, or some port near by, where we might repair the damages sustained by the vessel and her rigging.
		Latitude by observation, 28° 31′ north.
		Longitude by dead reckoning, 87° 51′ west.
		Having discovered that the water had changed colour, we sounded and found 20 fathoms water, the bottom being loose sand and mud of a black colour.
84		
S. W.	W. N. W.	According to the Spanish charts we would not determine our longitude by the soundings taken. The soundings on the same beginning at 15 fathoms. We therefore continued to approach the land to fix upon some point of departure.

Lunes 24 al Martes 25 de Novembre, 1862.

Sur.	O. S. O.	Acontecimientos.
		Tiempo manuable brien caris se lleno el almacen de agua sobre cubierta de manera que nos queda un baril 30 galones lleno en la bodega en reserba.
O.	S. O. ¼ O.	Nusnio tiempo.
S. S. O.	O. ¼ S. O.	A las 10h de la manana tiempo oscuro y indiciso apariencia de agua lluvia, ventolina variable, mar agitada del S. O. no hubo observacion al medio dia.
"	Sur.	
		Latitude estima, N. 28° 24′.
		Long id O. 88° 45′.
		Sonda brasas 19 fondo fango.

[Translation.]

Monday 24 to Tuesday 25th November, 1862.

Winds.	Courses.	Remarks.
S.	W. S. W.	Weather very pleasant. Filled the water cask on deck, leaving one barrel with 30 gallons water in reserve in the hold of the vessel.
S.	S. W. $\frac{1}{4}$ W.	85 Same weather.
S. S. W.	S. W. $\frac{1}{4}$ W.	Weather very dark and threatening, with every appearance of rain at 10 o'clock a. m. Light variable winds. The sea agitated from the S. W. No observation at noon. Latitude by dead reckoning, 28° 24′ north. Longitude by dead reckoning, 88° 45′ west. Soundings, 19 fathoms, bottom, mud.

No further entries in the said log-book.

86

87 UNITED STATES OF AMERICA.

District court of the United States, southern district of Florida.

On the twenty-seventh day of January, in the year of our Lord one thousand eight hundred and sixty-three, the following order was made and entered in the case of—

THE UNITED STATES
vs.
THE MEXICAN SCHOONER DIANA and cargo. } Prize.

Ordered, that both parties be allowed to produce further proof in this cause, touching the extent and character of the distress in which the vessel was at the time of the capture, and of the means the master possessed to remove such distress. And that both parties have leave to produce further proof touching the allegation of embezzlement or removal of any part of the cargo by the captors; that such further proof in both cases may be taken by the affidavit of the parties and other persons.

WM. MARVIN, *Judge.*

88 Further proof offered by claimants in pursuance of the foregoing order:

United States district court, southern district of Florida.

THE UNITED STATES
vs.
THE SCHOONER DIANA and CARGO. } Prize.

And now comes Thomas Lumley, of Key West, and being duly sworn, says that he is a practical seaman, accustomed to rig and fit sea-going vessels, and has also had command as master of several vessels.

And he further says, that at the request of the claimant in this cause, he repaired alongside of the said schooner in the harbor of Key West, on the sixth day of February instant, and that he saw at about eighteen inches under the water, on the stem of the said vessel, the broken part of the iron strop which secured the bobstay of the vessel, hanging by its fastenings to the stem of the vessel, and which is now totally disconnected from the bobstay. He also saw where an augur-hole is bored about two and a half feet above the said broken iron strops, into which an iron bolt is inserted, over the ends of which iron bolt is passed a rope strap to which the outer broken end of the bobstay is secured, as a temporary expedient for the security of the bowsprit.

He further says, that a shackle was pointed out to him, which secures what appears to him to be the broken ends of that part of the jib-stay composed of iron chain which runs under the bowsprit to the stem of the vessel. And that he further saw where
89 the jib-stay had at some former time (and recently, judging from the freshness of the fastenings,) been knotted.

He further says that from his experience as a seaman, such diasters to a vessel at sea are of very serious character, and jeopardise the safety of a vessel greatly, and are not easily repaired at sea, even in good weather.

THOMAS LUMLEY.

Sworn to before me this 6th day of February, 1863.

GEORGE D. ALLEN,
Clerk, U. S. Dist. Court.

United States district court, southern district of Florida.

THE UNITED STATES
vs.
THE SCHOONER DIANA and CARGO. } Prize.

And now comes Pedro Jaurequiberry, master of the said schooner Diana and claimant in this cause, and being duly sworn, says that on the fifth day out from Campeachy, and while prosecuting his voyage to Matamoras by the most direct course, the iron strap attached to the cut-water or stem or stern of the said schooner, about two feet

under water, broke; that this iron strap secures the chain running from the cut-water or stem to the end of the bowsprit, called the bobstay, and is the chief support of the bowsprit; that he had no means whatever to repair this damage; that the wind being
90 directly against his returning to Campeachy or any other friendly port in Mexico, the weather being bad, and the sea high, he was compelled to keep the vessel off her course, as he feared losing his mast, should he attempt to keep her by the wind. That subsequently the jib stay, which supports the foremast, broke about two feet above the bowsprit, caused by the working of the bowsprit, which damage he repaired immediately; that again when near the harbor of Passa Cabella, the chain part of the aforesaid jib stay, which runs from under the bowsprit to the stem, broke in two; this took place in comparatively smooth water, and only a short time before the capture, caused by his bringing the vessel up to the wind with a view of laying her to, to await the boat of the captors, which he saw approaching, and which he desired to communicate with.

He further says that the draft of his vessel was known to him before he approached the port to be too great to allow her to enter that port, and that it never was his intention to violate a blockade. That he approached the coast from no other motive than that of seeking shelter to repair the damage to his vessel.

He further says, that before his vessel could be taken over the bar, the captors were compelled to shift a large portion of the cargo from the after to the forward part of his vessel, to equalize her draft to permit her to enter the port.

He further says that the captors were also compelled to repair temporarily the damage before recited, by boring an auger
91 hole in the cut-water or stem of the vessel, and introducing an iron bolt, projecting from both sides of the stem, over which a rope strop was placed to which they secured the chain box-stay.

And for security to the chain-jib stay, they inserted an iron shackle to secure the two broken ends. That without these temporary repairs the vessel could not have been taken to sea with safety, and that these means were at no time in his power, while he had control of the vessel.

He further says that he is a foreigner, and is but little acquainted with the English language. That he was examined in preparatorio by the commissioner without the aid of an interpreter. That he understood the interrogatory "whether bulk had been broken on the voyage," as meaning to enquire, if he has wilfully injured the vessel on the voyage, and did not understand it as referring to the removal of any part of the cargo of the vessel by the captors after the seizure. And he further says, that all the matters and things set forth in his claim in this cause are true. That the salt, gin, rice, and oil were taken out of his vessel by the captors, and taken on board the capturing vessel without his consent.

That the sail, and anchor, and two hawsers were taken by the captors on board of other vessels then lying in the harbor of Passa

Cabello, without his consent, and have not been restored to his vessel to the present time.

P. JAUREQUIBERRY.

92 Subscribed and sworn to before me, this 4th day of February, 1863.

GEORGE D. ALLEN, *Clerk*.

And now comes Felipe Brisio, and says that he is the mate of the schooner Diana, and was such on the voyage on which she was captured. That the foregoing affidavit of F. Jaurequiberry has been read, and fully explained to him by F. J. Moreno, esq., of Key West, in Spanish, and that all the matters and things touching the damage to the said schooner Diana, and of the inability of the said master, and his crew to repair the same, and the temporary repairs made by the captors, while the said schooner remained at Passa Cabella, and all other things touching the said schooner Diana, and the removal of part of her cargo, sails, and anchor, by the captors are true, and are matters within his own knowledge.

FELIPE BRISIO.

Subscribed and sworn to before me, this 4th day of February, 1863.

GEORGE D. ALLEN, *Clerk*.

93 Afterwards, to wit, on the seventeenth day of February, in the year aforesaid, this cause came to be further heard before this court.

Present the honorable William Marvin, judge.

Thomas J. Boynton, esq., attorney aforesaid, appearing on behalf of the United States, and W. C. Maloney, esq., proctor for claimant, on behalf of the said claimant. When the court proceeded to hear this cause upon the allegations and pleadings, the depositions taken under order allowing further proof, and in preparatorio, and the papers, letters and writings found on board said vessel, the Diana.

The cause having been fully argued by the respective counsel, the premises were thereupon submitted to the court.

Afterwards, upon consideration thereof, on the seventeenth day of February, the parties aforesaid being present, it was ordered, adjudged and decreed, as follows, to wit:

THE UNITED STATES
vs.
THE SCH'R DIANA and CARGO. } Prize.

This cause having been heard upon the depositions in preparatorio, and the ship's papers, and upon the further proofs hereinbefore ordered and allowed, and the court being therein fully advised.

It is ordered and decreed that the said schooner Diana and cargo be restored to the claimants upon the payment of the cost of keeping the property in port.

And it is further ordered and decreed that the matter of damages

for property taken from said vessel by the captors be referred to George D. Allen, commissioner, to ascertain and make report thereon to this court.

WM. MARVIN, *Judge*.

94 Whereupon in open court Thomas J. Boynton, esq., attorney of the United States, shows to the court that the matter in dispute exceeds the sum of two thousand dollars, and thereupon gives notice of an appeal from the foregoing decree.

95 Affidavits and depositions taken under order of reference to commissioner in matter of damage for property taken by the the captors.

THE UNITED STATES
vs.
THE SCHOONER DIANA and CARGO.

Pedro Jaurequiberry, being duly sworn, deposes and says that the annexed list of articles were taken from the aforesaid schooner Diana, by the captors of said vessel, at Passa Cavella, and have not been returned to said vessel or otherwise put in his possession, and that the value of said articles set opposite each he believes to be fair and reasonable.

(Signed.) P. JAUREGUIBERRY.

Sworn and subscribed before me, this 28th day of February, 1865.

(Signed) GEO. D. ALLEN,
Clerk U. S. D. Court and Commissioner.

96 A list of articles, with their value, taken out of the Mexican schooner Diana at the port of Passa Cavella, by the captors, after the capture of said schooner by the U. S. gunboat Kittatinny, and before adjudication of the question of prize, which articles have not been restored to claimant.

1 anchor weighing 150 lbs.	15 00
1 5-inch hawser, 130 fathoms	45 00
1 3-inch hawser, 130 fathoms	27 00
1 gaff topsail	50 00
1 case of gin	9 00
1 case of cognac	12 00
2 cases of Medoc wine	20 00
1 box vermicilli	5 50
1 box French oil	9 00
2 sacks of rice, 450, lbs. a 12½c	56 25
2 sacks of salt, a $1 50	3 00
30 lbs. coffee, a 30c	9 00
50 lbs. lard, a 20c	10 00
2 kegs paints	10 00
2 gallons paint oil	5 00
	$285 75

97 U. S. S. SAVANNAH,
Navy-yard, New York.

Lieut. Com'd'r Edward Barrett, U. S. N:

Personally appeared before me, this 1st day of June, A. D. 1863, Arthur H. Atkinson, act'g master, U. S. navy, who deposed under oath as follows:

1st interrogatory. What is your name? On board of what vessel were you in the month of November, 1862? and in what capacity? Where was such vessel stationed? and on what service?

Answer. My name is Arthur H. Atkinson; I was on board of the U. S. schooner Kittatinny, as act'g master. The schooner was in Matagorda bay on the coast of Texas, and was on blockade duty.

2d interrogatory. Were you present at the time of capture of the Mexican schooner Diana and cargo, on or about the 26th day of November, 1862? By what vessel or vessels was such capture made?

Answer. I made the capture myself in a boat of the Kittatinny; the mortar schooner "Henry Janes," and yacht "Corypheus" were also present.

3d interrogatory. Were any, and what of the following articles taken from said vessel, the "Diana," after her capture? If so, by whose order were they so taken?

1 anchor weighing 150 lbs., more or less,
1 5-inch hawser, 130 fathoms, " " "
1 3-inch " 130 " " " " ; 1 gaff topsail, 1 case of gin, 1 case of cognac, 2 case of Medoc wine, 1 box of vermicilli, 1 box of French oil, 2 sacks of rice, 450 lbs., more less. 2
98 sacks salt, 30 lbs. coffee, 50 lbs. lard, 2 kegs paint, 2 galls. paint oil.

Were any other articles taken from said vessel?

Answer. 1 kedge and 1 hawser, 3 inch, claret, fish, French oil, 2 sacks of rice, one of which was sent to the Henry Janes, 2 sacks of salt, coffee, a little paint mixed for use, and paint oil, and 2 pair of shoes, which I purchased of the master of the "Diana," were all that we received from the schooner Diana, according to my recollection. I was told by the master of the Diana that he had presented the articles above named, excepting the shoes, as a gift from his private stores.

4th interrogatory. Was any and what objection or remonstrance made to the removal of the articles so taken by the master of the Diana, or any one on board that vessel? If so, by whom?

Answer. To my knowledge no objection or remonstrance was made by any one.

5th interrogatory. What is the present disposition of the said articles so taken? For what purpose were they taken?

Answer. The kedge and hawser are on board the U. S. S. Kittatinny; the other articles have been consumed, and were taken for consumption.

6th interrogatory. What was the value of each article taken from said vessel the "Diana?"

Answer. I don't know their value, excepting the shoes named, which were purchased and paid for as stated.

7th interrogatory. State any other matter or circumstance, in relation to the matter in question, that may be material to the subject of this, your examination.

99 Answer. When I first boarded the "Diana," her master said that he supposed our vessel was a Mexican schooner, and also the schooner Matilda, which was in port, but had been captured by us the day before, and that his purpose was to run the blockade; that he had before attempted to do so at St. Louis Pass and did not succeed. The same statement was made to me by the pilot of the Diana who was part owner of the cargo.

(Signed) EDWARD BARRETT,
Lieut. Commander, U. S. N.

U. S. S. SAVANNAH,
Navy-yard, New York.

Lieut. Com'd'r Edward Barrett, U. S. N.:

Personally appeared before me, this 1st day of June, A. D. 1863, E. C. Bowman, act'g ass't paymaster, U. S. navy, who deposed, under oath, as follows:

1st interrogatory. What is your name? On board of what vessel were you in the month of November, 1862? and in what capacity? Where was such vessel stationed? and on what service?

Answer. My name is Edward C. Bowman; I was on board of the U. S. schooner "Kittatinny, as act'g ass't paymaster; the schooner was in Matagorda bay, on the coast of Texas, and was on blockade duty.

2d interrogatory. Were you present at the time of capture of the Mexican schooner Diana and cargo, on or about the 26th day of November, 1862? By what vessel or vessels was such capture made?

100 Answer. Yes; the Diana was boarded by boats of the Kittatinny; the mortar schooner Henry Janes was present; I am under the impression that the U. S. yach Corypheus was there.

3d interrogatory. Were any and what of the following articles taken from said vessel, the Diana, after her capture? If so, by whose order were they so taken?

1 anchor weighing 150 lbs., more or less,
1 5-inch hawser 130 fathoms, " " "
1 3-inch do. 130 " " " "; 1 gaff topsail, 1 case of gin, 1 case cognac, 2 cases Medoc wine, 1 box vermicilli, 1 box French oil, 2 sacks rice, 450 lbs. more or less, 2 sacks salt, 30 lbs. coffee, 50 lbs. lard, 2 kegs paint, 2 gallons paint oil.

Were any other *other* articles taken from said vessels?

Answer. To my knowledge the following articles were received on board the Kittatinny, viz: 1 case medoc wine, 1 box vermicilli, a certain quantity of French oil, 1 sack of rice, a quantity of coffee, and I think, a parcel of fish. Several pair of shoes were purchased for our crew. The articles named, excepting shoes, were a free gift

from the master of the Diana, who said they were from his private stores.

4th interrogatory. Was any and what objection or remonstrance made to the removal of the articles so taken, by the master of the Diana or any one on board that vessel? If so, by whom?

Answer. No objection or remonstrance was made by any one, according to my knowledge. As I have stated, the articles were a gift urged upon us in the most hospitable manner.

101 5th interrogatory. What is the present disposition of the articles received from the Diana; but, as I have stated, with the exception of the kedge and hawser, the articles were free gifts of the master.

5th interrogatory. What is the present disposition of the said articles so taken? For what purpose were they taken?

Answer. The kedge and hawser are at present on board the U. S. S. "Kittatinny." The cases of gin and cognac, and half the coffee were presented to Mr. Forrester who resided near the anchorage, and who had frequently provided us with provisions, and at times important information relative to the enemy's movements. The 2 cases of Medoc wine, box of vermicilli, box of olive oil, half the coffee, and the lard were used as my private stores. The rice was turned over to the paymaster's department, and the salt used for preserving beef.

6th interrogatory. What was the value of each article taken from said vessel, the "Diana?"

Answer. The kedge, at the largest estimate, twenty dollars; the hawser about fifteen dollars. I think it was of Sesal grass. One case of cognac, about six dollars, one case of gin, about four dollars, two cases of Medoc wine, about eight dollars, one box of vermicilli, about two dollars, one box of olive oil, about four dollars, two sacks of rice, about twenty-four dollars, two sacks of salt, about five dollars, twenty pounds of coffee, about four dollars, and one jar of lard, about five dollars.

7th interrogatory. State any other matter or circumstance in relation to the matters in question that may be material to the subject of this, your examination.

102 Answer. The master and mate of the Mexican schooner Diana, urged me to accept the articles, and seemed quite cordial, and expressed the conviction that the vessel would be condemned, and desired to know, in the event of her condemnation and sale, her probable value, as he desired to purchase her.

(Signed) EDWARD BARRETT.
Lieut. Commander U. S. N.

103 U. S. STE. SAVANNAH, *Navy-yard, New York,*

Lieut. Com'd'r Edward Barrett, U. S. N:

Personally appeared before me, this 1st day of June, A. D. 1863, Charles W. Samson, act'g master U. S. Navy, who deposed under oath as follows:

1st interrogatory. What is your name? On board of what vessel

were you in the month of November, 1862, and in what capacity? Where was such vessel stationed? and on what service?

Answer. My name is Charles W. Samson; I was on board the U. S. schooner "Kittatinny," and in command of her. The schooner was anchored at Pass Cavallo, on the coast of Texas, and was on blockade duty.

2d interrogatory. Were you present at the time of capture of the Mexican schooner "Diana" and cargo, on or about the 26th day of November, 1862? By what vessel or vessels was such capture made?

Answer. I was present at the time of the capture of the Mexican shooner Diana; she was captured by one of the boats of my vessel. At the time she was taken I was about 5 or 6 miles off, on board of the "Kittatinny."

3d interrogatory. Were any, and what, of the following articles taken from said vessel, the "Diana," after her capture? If so, by whose order were they so taken: 1 anchor, weighing 150 lbs., more or less; 1 5-inch hawser, 130 fathoms, more or less; 1 3-inch hawser, 130 fathoms, more or less; 1 gaff top-sail, 1 case of gin, 1 case of cognac, 2 cases of Medoc wine, 1 box vermicilli, 1 box French oil, 2 sacks rice, (450 lbs., more or less;) 2 sacks salt, 30 lbs. cof-
104 fee, 50 lbs. lard, 2 kegs paint, 2 gallons paint oil? Were any other articles taken from said vessel?

Answer. Several articles were received from the schooner Diana, viz: a kedge, weighing 150 lbs., (more or less;) one 3-inch hawser, of about 75 fathoms; 1 case of gin, 1 case of cognac, 3 cases of Medoc wine, 1 box of vermicilli, 1 box of olive oil; one sack of rice was received on board "Kittatinny," and one sack of rice was sent to the mortar schooner "Henry Janes," each weighing, I should judge, about 200 lbs., more or less; 2 sacks of salt, 20 lbs. of coffee, and a Spanish jar of lard. The kedge and hawser were taken by my orders for the use of the U. S. schooner Kittatinny, the articles being at the time of the utmost importance and greatly required. The balance of the articles received on board the U. S. S. Kittatinny were presented to me by the master of the schooner Diana. He urged me to accept them, and also desired me to accept of his chronometer, stating that all the articles that he wished to present to me were his own private property. I was thus induced to accept of them, as we were deprived of communication from whence we could draw supplies, and that the rice would be required for ship use. Other articles, such as sardines, tobacco, and olives, were at that time received from the Mexican schooner Diana, presented by her master.

4th interrogatory. Was any, and what objections or remonstrances made to the removal of the articles so taken, by the master of the Diana, or any one on board that vessel? If so, by whom?

Answer. There was no objection or remonstrance made by
105 whomsoever to the removal of the said articles so taken.

For what purpose were they taken?

Answer. Have been consumed and were taken for that purpose.

6th interrogatory. What was the value of each article taken from said vessel, the Diana?

Answer. The shoes were paid for at the rate of, I believe, three dollars per pair. I have no idea as to the value other articles named.

7th interrogatory. State any other matter or circumstance, in relation to the matter in question, that may be material to the subject of this, your examination.

Answer. There seemed to be little doubt on board the Diana but that she would be condemned. The captain of that vessel urged upon us other articles not accepted. George W. Chase, a passenger on board the Diana, a resident of Lavaca, of Texas, and part owner of the cargo, and who said he was engaged to act as her pilot in entering Matagorda bay, or any other convenient port of Texas, stated that she was intended to violate the blockade. He made a written acknowledgment to this effect in presence of several witesses.

(Signed) EDWARD BARRETT,
Lieut. Commander U. S. N.

106 THE UNITED STATES.
vs.
THE SCHOONER DIANA AND CARGO.

And now comes Pedro Jaureguiberry, late master of the schooner Diana, and says that the list of articles submitted with his affidavit, made on 28th February last, were taken from said schooner Diana, at Passa Cavella, by the captors of said vessel, and that the same has not been returned to the present time.

And he further says, that the said list of articles taken does not include any article or articles given by him or purchased from him by the officers and crew of said capturing vessel. And he admits to have sold to the crew of the capturing vessel shoes, and to have given to the officers a quantity of tobacco and sardines, for which he has not made reclamation; but he does make reclamation for the articles enumerated in the before-mentioned list, all of which were taken from said schooner Diana without his consent.

And he further says and insists that a five-inch hawser, measuring about one hundred and thirty fathoms, was among the articles taken from the said schooner Diana, and was intended, as he was informed by the officer taking the same, to be used in hauling schooner into the wharf; and that a gaff topsail was also among the articles taken, and was placed on board an open or undecked boat, that he was informed was a prize, and he believed that the same was intended to be
107 used for a sail for said boat.

He further says, that the value of the articles enumerated on his before-mentioned list are reasonable and just, and that the value se ton the same by act'g master, Charles W. Samsom are wholly inadequate.

He further says, that at no time has he believed or expressed the belief that the schooner Diana was good prize.

And by way of abundant caution he here protests against any prejudice to the cause of said schooner Diana, and her cargo from anything said in the deposition of act'g master, Arthur H. Atkinson,

or act'g ass't paymaster, Edward C. Bowman, in relation to what the said master or his mate or any other person on board the said schooner Diana is reported to have said at the time mentioned, which for himself he here denies totally, or for any other cause not judicially ascertained.

(Signed) P. JAUREGUIBERRY.

Sworn and subscribed before me, this 15th day of July, 1863.

(Signed) GEO. D. ALLEN, *Clerk.*

Afterwards, on the 21st day of July, in the year 1863, the commissioner aforesaid reports the amount of damages for property taken from said vessel by the captors as follows, to wit:

1	kedge anchor	15 00
1	5-inch hawser, 130 fathoms, more or less	45 00
	1 3-inch hawser, 130 fathoms more or less	27 00
108	1 gaff topsail	50 00
	1 case of gin	8 00
1	case of cognac	10 00
2	cases of Medoc wine a $6,00	12 00
1	box vermicilli	5 00
1	box olive oil, French	8 00
2	sacks of rice, about 450 lbs, a 12½c	56 25
2	sacks of salt, a $1 50	3 00
30	lbs. coffee, a 30c	9 00
50	lbs. lard, a 20c	10 00
2	kegs paint, a $5 00	10 00
2	gallons more or less paint oil, a $2 50	5 00
	Total	$273 25

Making the value of the articles taken from the Diana, by the captors, to have been the sum of two hundred and seventy-three dollars, and twenty-five cents ($273 25.)

(Signed) GEORGE D. ALLEN, *Commissioner.*

109 Afterwards, to wit, on the twenty-second day of January, in the year A. D 1864, this cause came on to be heard before this court upon the report of the commissioner in matter of damages for property taken by the captors.

Present the honorable Philip Fraser, judge of the district court of the United States, for the northern district of Florida; Homer G. Plants, esq., attorney of the United States, appearing on behalf of the United States, and W. C. Maloney, esq., on behalf of the said claimants, when the court proceeded to hear this cause upon the report of the commissioner.

Whereupon, it is ordered that monition be issued, returnable thirty days from this date, citing the captors to appear and show cause why the property taken from said vessel the Diana should not be restored to the claimants or damages decreed against them.

Afterwards, upon consideration thereof, on the twenty-first day of February, A. D. 1866, the parties aforesaid being present, it was ordered, adjudged and decreed as follows, to wit:

THE UNITED STATES
vs.
THE SCHOONER DIANA and cargo.

It appearing that this vessel was captured on the twenty-sixth day of November, 1862, by the U. S. schooner Kittatinny, act'g
110 master C. W. Samsen, U. S. N., com'd'g, off the port of Pass Cavallo, Texas, for an alleged breach of blockade, and upon a hearing of the cause before this court, the said vessel and cargo was, by decree of said court, ordered to be restored to the claimants thereof.

And it further appearing that after the capture aforesaid, and before sending in the vessel and cargo for adjudication, sundry articles belonging to the tackle and apparel of the said vessel, and of her cargo were taken from the said vessel by the captors, and have not been restored; and by the report of the commissioner, appointed and authorized to take testimony in said matter, and to report to the court thereon. It appearing that the value of the articles so taken from the said schooner Diana, at the time aforesaid, was of the value of two hundred and seventy-three dollars and twenty-five cents.

And it further appearing that Charles W. Samsen, act'g master, U. S. N., com'd'g U. S. sch'r Kittatinny, was the senior capturing officer, and monition having been served in this proceeding, upon the said Charles W. Samsen aforesaid, requiring him to appear and show cause why a decree should not be rendered against him for the damages sustained by the claimants by reason of the premises, and proclamation having been duly made, and the said Charles W.
111 Samson failing to appear and show cause as aforesaid.

It is therefore ordered, adjudged and decreed that the report of the commissioner be approved and filed, and that the claimants in this cause have and recover from the said Charles W. Samsen the sum of two hundred and seventy-three dollars and twenty-five cents, with the costs of this proceeding to be taxed, and the further sum of fifty dollars as additional damages for counsel fees by the said claimants in this behalf expended.

(Signed) PHILIP FRASER,
U. S. D. Judge.

Feb'y 21st, 1866.

In admiralty.

THE UNITED STATES
vs.
THE SCHOONER DIANA and CARGO. } Prize.

A final decree in said cause having been heretofore pronounced and entered in this cause, now comes Homer G. Plantz, esq., attorney of the United States, and shows to the court that the matter in dis-

pute exceeds in value the sum of two thousand dollars, and in open court prays an appeal from the aforesaid decree to the Supreme Court of the United States, to be holden in Washington on
112 Monday the third day of December next.

HOMER G. PLANTZ,
U. S. Attorney.

Key West, Feb'y 21st, 1866.

Whereupon it is ordered that said appeal be accordingly allowed.

113 District court of the United States for the southern district of Florida.

I, Wm. S. Allen, clerk of the district court of the United States, for the southern district of Florida, do hereby certify, that the foregoing document, hereunto annexed, is a correct transcript of this court in the cause of the United States *vs.* the Mexican schooner Diana and cargo, Pedro Jaurequiberry and Idela Cabada, claimants, prize, lately adjudicated in this court, as appears from the admiralty records and files of said court, kept in my office.

In testimony whereof, I hereunto subscribe my name, and affix the seal of said court, at Key West, in the southern district of Florida, this thirtieth day of April, in the year of our Lord one thousand eight hundred and sixty-six, and independence of the United States the ninetieth.

[SEAL.] WM. S. ALLEN, *Clerk.*

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